

**STATE OF ILLINOIS**



**HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-THIRD GENERAL ASSEMBLY**

**81ST LEGISLATIVE DAY**

**WEDNESDAY, JANUARY 14, 2004**

**12:00 O'CLOCK NOON**

**HOUSE OF REPRESENTATIVES**  
**Daily Journal Index**  
**81st Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Adjournment .....	93
Agreed Resolutions .....	42
Committee on Rules Referral .....	4
Correctional Note Supplied .....	4
Home Rule Note Supplied .....	4
Introduction and First Reading – HB 3994-4018 .....	37
Messages from the Senate .....	5
Pension Note Supplied .....	4
Quorum Roll Call .....	4
Report from the Committee on Rules .....	4
Reports from Standing Committees .....	37
Resolutions .....	38
State Debt Impact Note Supplied .....	4
State Mandates Fiscal Note Supplied .....	4

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
HB 0600	Senate Message – Passage w/ SA .....	37
HJR 0051	Adoption .....	92
HJR 0051	Committee Report .....	4
HR 0576	Resolution .....	42
HR 0577	Resolution .....	38
HR 0578	Resolution .....	39
HR 0579	Resolution .....	43
HR 0580	Resolution .....	43
HR 0581	Resolution .....	39
HR 0582	Resolution .....	44
HR 0583	Resolution .....	45
HR 0584	Resolution .....	45
HR 0585	Resolution .....	46
HR 0586	Resolution .....	47
HR 0587	Resolution .....	47
HR 0588	Resolution .....	48
HR 0589	Resolution .....	48
HR 0590	Resolution .....	49
HR 0591	Resolution .....	50
HR 0593	Resolution .....	40
HR 0594	Resolution .....	40
HR 0595	Resolution .....	41
HR 0596	Resolution .....	41
HR 0597	Resolution .....	50
HR 0598	Resolution .....	51
HR 0599	Resolution .....	51
HR 0600	Resolution .....	52
HR 0601	Resolution .....	53
HR 0602	Resolution .....	54
HR 0603	Resolution .....	54
HR 0604	Resolution .....	55
HR 0605	Resolution .....	56
HR 0606	Resolution .....	56
HR 0607	Adoption .....	92

HR 0608	Resolution .....	57
HR 0609	Resolution .....	57
HR 0610	Resolution .....	58
HR 0611	Resolution .....	59
SB 1271	Committee Report – Floor Amendment/s .....	37
SB 1705	Committee Report – Floor Amendment/s .....	37
SB 1705	Second Reading – Amendment/s .....	60
SB 1705	Third Reading .....	92

The House met pursuant to adjournment.

Speaker Madigan in the chair.

Prayer by Reverend Jim Cooper of the East Benton Baptist Church in Benton, IL.

Representative Washington led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

115 present. (ROLL CALL 1)

By unanimous consent, Representatives Collins, Howard and Lindner were excused from attendance.

### **REPORT FROM THE COMMITTEE ON RULES**

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the Calendar: HOUSE JOINT RESOLUTION 51.

The committee roll call vote on the foregoing Legislative Measures is as follows:

3, Yeas; 0, Nays; 0, Answering Present.

Y Currie,Barbara(D), Chairperson

A Black,William(R)

Y Hannig,Gary(D)

Y Hassert,Brent(R), Republican Spokesperson

A Turner,Arthur(D)

### **COMMITTEE ON RULES REFERRALS**

Representative Currie, Chairperson of the Committee on Rules, reported the following legislative measures and/or joint action motions have been assigned as follows:

Appropriations-General Service: HOUSE AMENDMENT No. 1 to SENATE BILL 1271.

Personnel & Pensions: HOUSE AMENDMENT No. 1 to SENATE BILL 1705.

### **PENSION NOTES SUPPLIED**

Pension Notes have been supplied for SENATE BILLS 1691, as amended, and 1705, as amended.

### **STATE DEBT IMPACT NOTE SUPPLIED**

A State Debt Impact Note has been supplied for SENATE BILL 1691, as amended.

### **CORRECTIONAL NOTE SUPPLIED**

A Correctional Note has been supplied for SENATE BILL 1691, as amended.

### **STATE MANDATES FISCAL NOTE SUPPLIED**

A State Mandates Fiscal Note has been supplied for SENATE BILL 1691, as amended.

### **HOME RULE NOTE SUPPLIED**

A Home Rule Note has been supplied for SENATE BILL 1691, as amended.

## MESSAGES FROM THE SENATE

A message from the Senate by  
 Ms. Hawker, Secretary:  
 Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:  
 HOUSE BILL 600

A bill for AN ACT in relation to pensions.  
 Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:  
 Senate Amendment No. 1 to HOUSE BILL NO. 600  
 Passed the Senate, as amended, January 14, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 600 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 5-129.1, 5-132, 5-167.2, 5-167.4, 5-168, 6-111, 6-128, 6-128.2, 6-128.4, 6-142, 6-143, 6-151.1, 6-160, 6-164, 6-165, 6-210.1, 6-211, 6-222, 8-137, 8-150.1, 8-167, 8-172, 8-174, 8-174.1, 8-192, 11-134.1, 11-145.1, 11-163, 11-167, 11-170.1, 11-178, 11-181, 12-133, and 12-149 and adding Sections 6-124.1, 6-141.2, 6-210.2, 6-210.3, 8-138.4, 8-138.5, 8-172.1, 11-133.3, 11-133.4, 12-133.6, and 12-133.7 as follows:

(40 ILCS 5/5-129.1)

Sec. 5-129.1. Withdrawal at mandatory retirement age - amount of annuity.

(a) In lieu of any annuity provided in the other provisions of this Article, a policeman who is required to withdraw from service on or after January 1, 2000 due to attainment of mandatory retirement age and has at least 10 but less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or fraction thereof in excess of 10, but not to exceed a maximum of 48% of average salary.

(b) For the purpose of this Section, "average salary" means the average of the highest 4 consecutive years of salary within the last 10 years of service, or such shorter period as may be used to calculate a minimum retirement annuity under Section 5-132.

(c) For the purpose of qualifying for the annual increases provided in Section 5-167.1, a policeman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

(d) A policeman with less than 20 years of service credit who was required to withdraw from service on or after January 1, 2000 but before June 28, 2002 due to attainment of mandatory retirement age is also entitled to have his or her retirement annuity calculated in accordance with this Section. If payment of the annuity has already begun, the annuity shall be recalculated. The resulting increase, if any, shall accrue from the starting date of the annuity; the amount of the increase relating to the period before the annuity is recalculated shall be paid to the annuitant in a lump sum, without interest.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/5-132) (from Ch. 108 1/2, par. 5-132)

Sec. 5-132. Minimum annuity. Any policeman who withdraws on or after July 8, 1957, or any policeman transferred to the police service of the city under the Exchange of Functions Act of 1957 who withdraws on or after July 17, 1959, after completing at least 20 years of service, for whom the annuity otherwise provided in this Article is less than that stated in this Section has a right to receive annuity as follows:

(a) If he is age 55 or more on withdrawal, his annuity after such withdrawal, shall be equal to 2% of the average salary for 4 consecutive years of highest salaries within the last 10 years of service before withdrawal, for each year of service, together with 1/6 of 1% of such average salary for each complete month of service of each fractional year, but not in excess of 75% of the average annual salary.

(b) If he is age 50 or more but less than age 55 on withdrawal, his annuity shall be equal to 2% of the average salary for the 4 highest consecutive years of the last 10 years of service for each year of service,

together with 1/16 of 1% of such average salary for each month of each fractional year of service, reduced by 1/2 of 1% for each month that he is less than age 55.

(c) If he is less than age 50 on withdrawal, he may, upon attainment of age 50 or over, become entitled to the annuity provided in this Section or, he may, upon application before age 50, receive a refund of the deductions from salary, plus interest at 1 1/2% per annum if he is entitled to refund under Section 5-163.

(d) In lieu of the annuity provided in the foregoing provisions of this Section 5-132 any policeman who withdraws from the service after December 31, 1973, after having attained age 53 in the service with 23 or more years of service credit shall be entitled to an annuity computed as follows if such annuity is greater than that provided in the foregoing paragraphs of this Section 5-132: An annuity equal to 50% of the average salary for the 4 highest consecutive years of the last 10 years of service plus additional annuity equal to 2% of such average salary for each completed year of service or fraction thereof rendered after his attainment of age 53 and the completion of 23 years of service.

Any policeman who has completed 23 years of service prior to his attainment of age 53 in the service and continues in the service until his attainment of age 53 shall have added to his annuity, computed as provided in the immediately preceding paragraph, an additional annuity equal to 1% of such average salary for each completed year of service or fraction thereof in excess of 23 years up to age 53.

(e) In lieu of the annuity provided in the foregoing provisions of this Section any policeman who withdraws from the service either (i) after December 31, 1983 with at least 22 years of service credit and having attained age 52 in the service, or (ii) after December 31, 1984 with at least 21 years of service credit and having attained age 51 in the service, or (iii) after December 31, 1985 with at least 20 years of service credit and having attained age 50 in the service, or (iv) after December 31, 1990, with at least 20 years of service credit regardless of age, shall be entitled to an annuity to begin not earlier than upon attainment of age 50 if under such age at withdrawal, computed as follows: an annuity equal to 50% of the average salary for the 4 highest consecutive years of the last 10 years of service, plus additional annuity equal to 2% of such average salary for each completed year of service or fraction thereof rendered after his completion of the minimum number of years of service required for him to be eligible under this subsection (e). In lieu of any annuity provided in the foregoing provisions of this Section, any policeman who withdraws from the service after December 31, 2003, with at least 20 years of service credit regardless of age, shall be entitled to an annuity to begin not earlier than upon attainment of age 50, if under that age at withdrawal, equal to 2.5% of the average salary for the 4 highest consecutive years of the last 10 years of service for each completed year of service or fraction thereof. However, the annuity provided under this subsection (e) may not exceed 75% of such average salary.

(f) A policeman withdrawing after September 1, 1969, may, in addition, be entitled to the benefits provided by Section 5-167.1 of this Article if he so qualifies under that Section.

If, on withdrawal, total service is less than 20 years, the policeman shall not be entitled to an annuity under this Section but may receive an annuity under the other provisions of this Article or, if entitled thereto under Section 5--163, a refund of the deductions from salary, including, in the case of policemen transferred to the police service of the city under the Exchange of Functions Act of 1957, the additional contribution paid on salary received from August 1, 1957, to July 17, 1959, as provided in the Park Policemen's Annuity Act, together with interest at 1 1/2% per annum.

Moneys voluntarily contributed under the Policemen's Annuity and Benefit Fund Act of the Illinois Municipal Code, or the Park Policemen's Annuity Act, shall be refunded to the contributing policemen who were in service on January 1, 1954, or in the case of policemen transferred to the police service of the city under the Exchange of Functions Act of 1957, who were in service on July 17, 1959.

The age and service annuity formula in this Section shall not apply to any policeman who, having retired before July 8, 1957, or before July 17, 1959, in the case of a policeman transferred under the provisions of the Exchange of Functions Act of 1957, re-enters the police service after such dates, whichever are applicable.

(Source: P.A. 86-1488.)

(40 ILCS 5/5-167.2) (from Ch. 108 1/2, par. 5-167.2)

Sec. 5-167.2. Retirement before September 1, 1967. A retired policeman, qualifying for minimum annuity or who retired from service with 20 or more years of service, before September 1, 1967, shall, in January of the year following the year he attains the age of 65, or in January of the year 1970, if then more than 65 years of age, have his then fixed and payable monthly annuity increased by an amount equal to 2% of the original grant of annuity, for each year the policeman was in receipt of annuity payments after the year in which he attains, or did attain the age of 63. An additional 2% increase in such then fixed and payable original granted annuity shall accrue in each January thereafter. Beginning January 1, 1986, the

rate of such increase shall be 3% instead of 2%.

The provisions of the preceding paragraph of this Section apply only to a retired policeman eligible for such increases in his annuity who contributes to the Fund a sum equal to \$5 for each full year of credited service upon which his annuity was computed. All such sums contributed shall be placed in a Supplementary Payment Reserve and shall be used for the purposes of such Fund account.

Beginning with the monthly annuity payment due in July, 1982, the fixed and granted monthly annuity payment for any policeman who retired from the service, before September 1, 1976, at age 50 or over with 20 or more years of service and entitled to an annuity on January 1, 1974, shall be not less than \$400. It is the intent of the General Assembly that the change made in this Section by this amendatory Act of 1982 shall apply retroactively to July 1, 1982.

Beginning with the monthly annuity payment due on January 1, 1986, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1986, at age 50 or over with 20 or more years of service, or any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1986, shall be not less than \$475.

Beginning with the monthly annuity payment due on January 1, 1992, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1992, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1992, shall be not less than \$650.

Beginning with the monthly annuity payment due on January 1, 1993, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1993, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1993, shall be not less than \$750.

Beginning with the monthly annuity payment due on January 1, 1994, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1994, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1994, shall be not less than \$850.

Beginning with the monthly annuity payment due on January 1, 2004, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2004, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2004, shall be not less than \$950.

Beginning with the monthly annuity payment due on January 1, 2005, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2005, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2005, shall be not less than \$1,050.

The difference in amount between the original fixed and granted monthly annuity of any such policeman on the date of his retirement from the service and the monthly annuity provided for in the immediately preceding paragraph shall be paid as a supplement in the manner set forth in the immediately following paragraph.

To defray the annual cost of the increases indicated in the preceding part of this Section, the annual interest income accruing from investments held by this Fund, exclusive of gains or losses on sales or exchanges of assets during the year, over and above 4% a year shall be used to the extent necessary and available to finance the cost of such increases for the following year and such amount shall be transferred as of the end of each year beginning with the year 1969 to a Fund account designated as the Supplementary Payment Reserve from the Interest and Investment Reserve set forth in Section 5-207.

In the event the funds in the Supplementary Payment Reserve in any year arising from: (1) the interest income accruing in the preceding year above 4% a year and (2) the contributions by retired persons are insufficient to make the total payments to all persons entitled to the annuity specified in this Section and (3) any interest earnings over 4% a year beginning with the year 1969 which were not previously used to finance such increases and which were transferred to the Prior Service Annuity Reserve, may be used to the extent necessary and available to provide sufficient funds to finance such increases for the current year and such sums shall be transferred from the Prior Service Annuity Reserve. In the event the total money available in the Supplementary Payment Reserve from such sources are insufficient to make the total payments to all persons entitled to such increases for the year, a proportionate amount computed as the ratio of the money available to the total of the total payments specified for that year shall be paid to each person for that year.

The Fund shall be obligated for the payment of the increases in annuity as provided for in this Section only to the extent that the assets for such purpose are available.

(Source: P.A. 91-357, eff. 7-29-99.)

(40 ILCS 5/5-167.4) (from Ch. 108 1/2, par. 5-167.4)

Sec. 5-167.4. Widow annuitant minimum annuity.

(a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$700 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1995.

Notwithstanding any other provision of this Article, beginning January 1, 1999, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$800 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1998.

Notwithstanding any other provision of this Article, beginning January 1, 2004, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$900 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

Notwithstanding any other provision of this Article, beginning January 1, 2005, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$1,000 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(b) Effective January 1, 1994, the minimum amount of widow's annuity shall be \$700 per month for the following classes of widows, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1993: (1) the widow of a policeman who dies in service with at least 10 years of service credit, or who dies in service after June 30, 1981; and (2) the widow of a policeman who withdraws from service with 20 or more years of service credit and does not withdraw a refund, provided that the widow is married to the policeman before he withdraws from service.

(c) The city, in addition to the contributions otherwise made by it under the other provisions of this Article, shall make such contributions as are necessary for the minimum widow's annuities provided under this Section in the manner prescribed in Section 5-175.

(Source: P.A. 89-12, eff. 4-20-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

Sec. 5-168. Financing.

(a) Except as expressly provided in this Section, the city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund.

The tax shall be at a rate that will produce a sum which, when added to the amounts deducted from the policemen's salaries and the amounts deposited in accordance with subsection (g), is sufficient for the purposes of the fund.

For the years 1968 and 1969, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce, when extended, not to exceed \$9,700,000. Beginning with the year 1970 and each year thereafter the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an amount not to exceed the total amount of contributions by the policemen to the Fund made in the calendar year 2 years before the year for which the applicable annual tax is levied, multiplied by 1.40 for the tax levy year 1970; by 1.50 for the year 1971; by 1.65 for 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975 through 1981; by 2.00 for 1982 and for each year thereafter.

(b) The tax shall be levied and collected in like manner with the general taxes of the city, and is in addition to all other taxes which the city is now or may hereafter be authorized to levy upon all taxable property therein, and is exclusive of and in addition to the amount of tax the city is now or may hereafter be authorized to levy for general purposes under any law which may limit the amount of tax which the city may levy for general purposes. The county clerk of the county in which the city is located, in reducing tax levies under Section 8-3-1 of the Illinois Municipal Code, shall not consider the tax herein authorized as a part of the general tax levy for city purposes, and shall not include the tax in any limitation of the percent of the assessed valuation upon which taxes are required to be extended for the city.

(c) On or before January 10 of each year, the board shall notify the city council of the requirement that the tax herein authorized be levied by the city council for that current year. The board shall compute the amounts necessary for the purposes of this fund to be credited to the reserves established and maintained within the fund; shall make an annual determination of the amount of the required city contributions; and shall certify the results thereof to the city council.



As soon as any revenue derived from the tax is collected it shall be paid to the city treasurer of the city and shall be held by him for the benefit of the fund in accordance with this Article.

(d) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants against the tax levy for the current fiscal year.

(e) The various sums, including interest, to be contributed by the city, shall be taken from the revenue derived from such tax or otherwise as expressly provided in this Section. Any moneys of the city derived from any source other than the tax herein authorized shall not be used for any purpose of the fund nor the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(f) If it is not possible or practicable for the city to make its contributions at the time that salary deductions are made, the city shall make such contributions as soon as possible thereafter, with interest thereon to the time it is made.

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the tax levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of that tax.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003; ~~\$4,200,000 in 2004; \$3,780,000 in 2005; \$3,360,000 in 2006; \$2,940,000 in 2007; \$2,520,000 in 2008; \$2,100,000 in 2009; \$1,680,000 in 2010; \$1,260,000 in 2011; \$840,000 in 2012; and \$420,000 in 2013.~~

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(Source: P.A. 89-12, eff. 4-20-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-111) (from Ch. 108 1/2, par. 6-111)

Sec. 6-111. Salary. "Salary": Subject to Section 6-211, the annual salary of a fireman, as follows:

(a) For age and service annuity, minimum annuity, and disability benefits, the actual amount of the annual salary, except as otherwise provided in this Article. ;

(b) For prior service annuity, widow's annuity, widow's prior service annuity and child's annuity to and including August 31, 1957, the amount of the annual salary up to a maximum of \$3,000; ;

(c) Except as otherwise provided in Section 6-141.1, for widow's annuity, beginning September 1, 1957, the amount of annual salary up to a maximum of \$6,000.

(d) "Salary" means the actual amount of the annual salary attached to the permanent career service rank held by the fireman, except as provided in subsection (e).

(e) In the case of a fireman who holds an exempt position above career service rank:

(1) For the purpose of computing employee and city contributions, "salary" means the actual salary attached to the exempt rank position held by the fireman.

(2) For the purpose of computing benefits: "salary" means the actual salary attached to the exempt rank position held by the fireman, if (i) the contributions specified in Section 6-211 have been made, (ii) the fireman has held one or more exempt positions for at least 5 consecutive years and has held the rank of battalion chief or field officer for at least 5 years during the exempt period, and (iii) the fireman was born before 1955; otherwise, "salary" means the salary attached to the permanent career service rank held by the fireman, as provided in subsection (d).

(f) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, and for any prior periods for which contributions have been paid under subsection (g) of this Section, all salary payments made to any active or former fireman who holds or previously held the permanent assigned position or classified career service rank, grade, or position of ambulance commander shall be included as salary for all purposes under this Article.

(g) Any active or former fireman who held the permanent assigned position or classified career service rank, grade, or position of ambulance commander may elect to have the full amount of the salary attached to that permanent assigned position or classified career service rank, grade, or position included in the calculation of his or her salary for any period during which the fireman held the permanent assigned position or classified career service rank, grade, or position of ambulance commander by applying in writing and making all employee and employer contributions, without interest, related to the actual salary payments corresponding to the permanent assigned position or classified career service rank, grade, or position of ambulance commander for all periods beginning on or after January 1, 1995. All applicable contributions must be paid in full to the Fund before January 1, 2006 before the payment of any benefit under this subsection (g) will made made.

Any former fireman or widow of a fireman who (i) held the permanent assigned position or classified career service rank, grade, or position of ambulance commander, (ii) is in receipt of annuity on the effective date of this amendatory Act of the 93rd General Assembly, and (iii) pays to the Fund contributions under this subsection (g) for salary payments at the permanent assigned position or classified career service rank, grade, or position of ambulance commander shall have his or her annuity recalculated to reflect the ambulance commander salary and the resulting increase shall become payable on the next annuity payment date following the date the contribution is received by the Fund.

In the case of an active or former fireman who (i) dies before January 1, 2006 without making an election under this subsection and (ii) was eligible to make an election under this subsection at the time of death (or would have been eligible had the death occurred after the effective date of this amendatory Act), any surviving spouse, child, or parent of the fireman who is eligible to receive a benefit under this Article based on the fireman's salary may make that election and pay the required contributions on behalf of the deceased fireman. If the death occurs within the 30 days immediately preceding January 1, 2006, the deadline for application and payment is extended to January 31, 2006.

Any portion of the compensation received for service as an ambulance commander for which the corresponding contributions have not been paid shall not be included in the calculation of salary.

(h) Beginning January 1, 1999, with respect to a fireman who is licensed by the State as an Emergency Medical Technician, references in this Article to the fireman's salary or the salary attached to or appropriated for the permanent assigned position or classified career service rank, grade, or position of the fireman shall be deemed to include any additional compensation payable to the fireman by virtue of being licensed as an Emergency Medical Technician, as provided under a collective bargaining agreement with the city.

(i) Beginning on the effective date of this amendatory Act of the 93rd General Assembly (and for any period prior to that date for which contributions have been paid under subsection (j) of this Section), the salary of a fireman, as calculated for any purpose under this Article, shall include any duty availability pay received by the fireman (i) pursuant to a collective bargaining agreement or (ii) pursuant to an appropriation ordinance in an amount equivalent to the amount of duty availability pay received by other firemen pursuant to a collective bargaining agreement, and references in this Article to the salary attached to or appropriated for the permanent assigned position or classified career service rank, grade, or position of the fireman shall be deemed to include that duty availability pay.

(j) An active or former fireman who received duty availability pay at any time after December 31, 1994 and before the effective date of this amendatory Act of the 93rd General Assembly and who either (1) retired during that period or (2) had attained age 46 and at least 16 years of service by the effective date of this amendatory Act may elect to have that duty availability pay included in the calculation of his or her salary for any portion of that period for which the pay was received, by applying in writing and paying to the Fund, before January 1, 2006, the corresponding employee contribution, without interest.

In the case of an applicant who is receiving an annuity at the time the application and contribution are received by the Fund, the annuity shall be recalculated and the resulting increase shall become payable on the next annuity payment date following the date the contribution is received by the Fund.

In the case of an active or former fireman who (i) dies before January 1, 2006 without making an election under this subsection and (ii) was eligible to make an election under this subsection at the time of death (or would have been eligible had the death occurred after the effective date of this amendatory Act), any surviving spouse, child, or parent of the fireman who is eligible to receive a benefit under this Article based on the fireman's salary may make that election and pay the required contribution on behalf of the deceased fireman. If the death occurs within the 30 days immediately preceding January 1, 2006, the deadline for application and payment is extended to January 31, 2006.

Any duty availability pay for which the corresponding employee contribution has not been paid shall not

be included in the calculation of salary.

(k) The changes to this Section made by this amendatory Act of the 93rd General Assembly are not limited to firemen in service on or after the effective date of this amendatory Act.

(Source: P.A. 83-1362.)

(40 ILCS 5/6-124.1 new)

Sec. 6-124.1. Withdrawal at compulsory retirement age - amount of annuity.

(a) In lieu of any annuity provided in the other provisions of this Article, a fireman who is required to withdraw from service due to attainment of compulsory retirement age and has at least 10 but less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or remaining fraction thereof in excess of 10, but not to exceed a maximum of 50% of average salary.

(b) For the purpose of this Section, "average salary" means the average of the fireman's highest 4 consecutive years of salary within the last 10 years of service.

(c) For the purpose of qualifying for the annual increases provided in Section 6-164, a fireman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

(40 ILCS 5/6-128) (from Ch. 108 1/2, par. 6-128)

Sec. 6-128. (a) A future entrant who withdraws on or after July 21, 1959, after completing at least 23 years of service, and for whom the annuity otherwise provided in this Article is less than that stated in this Section, has a right to receive annuity as follows:

If he is age 53 or more on withdrawal, his annuity after withdrawal, shall be equal to 50% of his average salary ~~determined by striking an average of 4 consecutive highest years of salary within the last 10 years of service immediately preceding the date of withdrawal.~~

An employee who reaches compulsory retirement age and who has less than 23 years of service shall be entitled to a minimum annuity equal to an amount determined by the product of (1) his years of service and (2) 2% of his average salary ~~for the 4 consecutive highest years of salary within the last 10 years of service immediately prior to his reaching compulsory retirement age.~~

An employee who remains in service after qualifying for annuity under this Section shall have added to this annuity an additional 1% of average salary for each completed year of service or fraction thereof rendered until July 21, 1959, and an additional 1% for a total of 2% of average salary from July 21, 1959. Each future entrant who has completed 23 years of service before reaching age 53 shall have added to this annuity 1% of average salary for each completed year of service or fraction thereof in excess of 23 years up to age 53. ~~"Salary" as referred to in this paragraph shall be determined by striking an average of the 4 consecutive highest years of salary within the last 10 years of service immediately preceding withdrawal.~~

(b) In lieu of the annuity provided in the foregoing provisions of this Section any future entrant who withdraws from the service either (i) after December 31, 1983 with at least 22 years of service credit and having attained age 52 in the service, or (ii) after December 31, 1984 with at least 21 years of service credit and having attained age 51 in the service, or (iii) after December 31, 1985 with at least 20 years of service credit and having attained age 50 in the service, or (iv) after December 31, 1990 with at least 20 years of service regardless of age, may elect to receive an annuity, to begin not earlier than upon attainment of age 50 if under that age at withdrawal, computed as follows: an annuity equal to 50% of ~~the~~ average salary for the 4 highest consecutive years of the last 10 years of service, plus additional annuity equal to 2% of ~~such~~ average salary for each completed year of service or fraction thereof rendered after his completion of the minimum number of years of service required for him to be eligible under this subsection (b). However, the annuity provided under this subsection (b) may not exceed 75% of ~~such~~ average salary.

(c) In lieu of the annuity provided in any other provision of this Section, a future entrant who withdraws from service after the effective date of this amendatory Act of the 93rd General Assembly with at least 20 years of service may elect to receive an annuity, to begin no earlier than upon attainment of age 50 if under that age at withdrawal, equal to 50% of average salary plus 2.5% of average salary for each completed year of service or fraction thereof over 20, but not to exceed 75% of average salary.

(d) For the purpose of this Section, "average salary" means the average of the highest 4 consecutive years of salary within the last 10 years of service.

(Source: P.A. 86-1488.)

(40 ILCS 5/6-128.2) (from Ch. 108 1/2, par. 6-128.2)

Sec. 6-128.2. Minimum retirement annuities.

(a) Beginning with the monthly payment due in January, 1988, the monthly annuity payment for any person who is entitled to receive a retirement annuity under this Article in January, 1990 and has retired from service at age 50 or over with 20 or more years of service, and for any person who retires from service

on or after January 24, 1990 at age 50 or over with 20 or more years of service, shall not be less than \$475 per month. The \$475 minimum annuity is exclusive of any automatic annual increases provided by Sections 6-164 and 6-164.1, but not exclusive of previous raises in the minimum annuity as provided by any Section of this Article.

Beginning January 1, 1992, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$650 per month.

Beginning January 1, 1993, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$750 per month.

Beginning January 1, 1994, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$850 per month.

Beginning January 1, 2004, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$950 per month.

Beginning January 1, 2005, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$1,050 per month.

The minimum annuities established by this subsection (a) do include previous raises in the minimum annuity as provided by any Section of this Article, but do not include any sums which have been added or will be added to annuity payments by the automatic annual increases provided by Sections 6-164 and 6-164.1. Such annual increases shall be paid in addition to the minimum amounts specified in this subsection.

(b) Notwithstanding any other provision of this Article, beginning January 1, 1990, the minimum retirement annuity payable to any person who is entitled to receive a retirement annuity under this Article on that date shall be \$475 per month.

(c) The changes made to this Section by this amendatory Act of the 93rd General Assembly shall apply to all persons receiving a retirement annuity under this Article, without regard to whether the retirement of the fireman occurred prior to the effective date of this amendatory Act of 1993.

(Source: P.A. 86-273; 86-1027; 86-1028; 86-1475; 87-849; 87-1265.)

(40 ILCS 5/6-128.4) (from Ch. 108 1/2, par. 6-128.4)

Sec. 6-128.4. Minimum widow's annuities.

(a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$700 per month, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of 1995.

(b) Notwithstanding Section 6-128.3, beginning January 1, 1994, the minimum widow's annuity under this Article shall be \$700 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(c) Notwithstanding Section 6-128.3, beginning January 1, 1999, the minimum widow's annuity under this Article shall be \$800 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(d) Notwithstanding Section 6-128.3, beginning January 1, 2004, the minimum widow's annuity under this Article shall be \$900 per month for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(e) Notwithstanding Section 6-128.3, beginning January 1, 2005, the minimum widow's annuity under

this Article shall be \$1,000 per month for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(Source: P.A. 89-136, eff. 7-14-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-141.2 new)

Sec. 6-141.2. Minimum annuity for certain widows. Notwithstanding the other provisions of this Article, the widow's annuity payable to the widow of a fireman who dies on or after July 1, 1997 while an active fireman with at least 10 years of creditable service shall be no less than 50% of the retirement annuity that the deceased fireman would have been eligible to receive if he had attained age 50 and 20 years of service on the day before his death and retired on that day. In the case of a widow's annuity that is payable on the effective date of this amendatory Act of the 93rd General Assembly, the increase provided by this Section, if any, shall begin to accrue on the first annuity payment date following that effective date.

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

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

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

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

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

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

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

(e) A wife whose marriage was dissolved or widow of a fireman whose judgment of dissolution of marriage from her fireman husband is annulled, vacated or set aside by proceedings in court subsequent to the death of the fireman, unless (1) such proceedings are filed within 5 years after the date of the dissolution of marriage and within one year after the death of the fireman and (2) the board is made a party to the proceedings;

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

(B) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, the limitation on marriage after withdrawal under subdivision (A)(b) and the limitation on marriage during disability under subdivision (A)(f) no longer apply to a widow who was married to the deceased fireman before the fireman begins to receive a retirement annuity and for at least one year immediately preceding the date of death, regardless of whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly; except that this subsection (B) does not apply to the widow of a fireman who received a refund of contributions for widow's annuity under Section 6-160, unless the refund is repaid to the Fund, with interest at the rate of 4% per year, compounded annually, from the date of the refund to the date of repayment. If the widow of a fireman who died before the effective date of this amendatory Act becomes eligible for a widow's annuity because of this amendatory Act, the annuity shall begin to accrue on the date of application for the annuity, but in no event sooner than the effective date of this amendatory Act.

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

(40 ILCS 5/6-143) (from Ch. 108 1/2, par. 6-143)

Sec. 6-143. Widow's remarriage.

(a) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, a widow's annuity shall no longer be subject to termination or suspension under this Section due to remarriage. Any widow's annuity that was previously terminated or suspended under this Section by reason of remarriage shall, upon application, be resumed as of the date of the application, but in no event sooner than the effective date of this amendatory Act. The resumption shall not be retroactive. This subsection (a) applies regardless of whether or not the deceased fireman was in service on or after the effective date of this amendatory Act.

(b) This subsection (b) does not apply on or after the effective date of this amendatory Act of the 93rd

General Assembly.

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

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

Any widow's annuity that was previously terminated by reason of remarriage prior to December 31, 1989 or suspended shall, upon application, be resumed, as of the date of the application, if the subsequent marriage ended by dissolution of marriage, declaration of invalidity of marriage, or the death of the husband, regardless of whether or not the deceased fireman was in service on the effective date of this amendatory Act of 1995; this resumption shall not be retroactive.

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

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

(40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

Sec. 6-151.1. The General Assembly finds and declares that service in the Fire Department requires that firemen, in times of stress and danger, must perform unusual tasks; that by reason of their occupation, firemen are subject to exposure to great heat and to extreme cold in certain seasons while in performance of their duties; that by reason of their employment firemen are required to work in the midst of and are subject to heavy smoke fumes, and carcinogenic, poisonous, toxic or chemical gases from fires; and that in the course of their rescue and paramedic duties firemen are exposed to disabling infectious diseases, including AIDS, hepatitis C, and stroke. The General Assembly further finds and declares that all the aforementioned conditions exist and arise out of or in the course of such employment.

Any active fireman who has completed 7 ~~ten~~ or more years of service and is unable to perform his duties in the Fire Department by reason of heart disease, tuberculosis, ~~or~~ any disease of the lungs or respiratory tract, AIDS, hepatitis C, or stroke resulting ~~solely~~ from his service as a fireman, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he does not have a right to receive salary.

Any active fireman who has completed 7 ~~ten~~ or more years of service and is unable to perform his duties in the fire department by reason of a disabling cancer, which develops or manifests itself during a period while the fireman is in the service of the department, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he does not have a right to receive salary. In order to receive this occupational disease disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation or a known carcinogen as defined by the International Agency for Research on Cancer.

Any fireman who shall enter the service after the effective date of this amendatory Act shall be examined by one or more practicing physicians appointed by the Board, and if that said ~~that~~ examination discloses impairment of the heart, lungs, ~~or~~ respiratory tract, or the existence of AIDS, hepatitis C, stroke, or any cancer, ~~then the~~ such fireman shall not be entitled to receive an occupational disease disability benefit unless and until a subsequent examination reveals no such impairment, AIDS, hepatitis C, stroke, or cancer.

The occupational disease disability benefit shall be 65% of the fireman's salary at the time of his removal from the Department payroll. However, beginning January 1, 1994, no occupational disease disability benefit that has been payable under this Section for at least 10 years shall be less than 50% of the current salary attached from time to time to the rank and grade held by the fireman at the time of his removal from

the Department payroll, regardless of whether that removal occurred before the effective date of this amendatory Act of 1993.

Such fireman also shall have a right to receive child's disability benefit of \$30 per month on account of each unmarried child who is less than 18 years of age or handicapped, dependent upon the fireman for support, and either the issue of the fireman or legally adopted by him. The total amount of child's disability benefit payable to the fireman, when added to his occupational disease disability benefit, shall not exceed 75% of the amount of salary which he was receiving at the time of the grant of occupational disease disability benefit.

The first payment of occupational disease disability benefit or child's disability benefit shall be made not later than one month after the benefit is granted. Each subsequent payment shall be made not later than one month after the date of the latest payment.

Occupational disease disability benefit shall be payable during the period of the disability until the fireman reaches the age of compulsory retirement. Child's disability benefit shall be paid to such a fireman during the period of disability until such child or children attain age 18 or marry, whichever event occurs first; except that attainment of age 18 by a child who is so physically or mentally handicapped as to be dependent upon the fireman for support, shall not render the child ineligible for child's disability benefit. The fireman thereafter shall receive such annuity or annuities as are provided for him in accordance with other provisions of this Article.

(Source: P.A. 88-528.)

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

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

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

(40 ILCS 5/6-164) (from Ch. 108 1/2, par. 6-164)

Sec. 6-164. Automatic annual increase; retirement after September 1, 1959.

(a) A fireman qualifying for a minimum annuity who retires from service after September 1, 1959 shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, ~~1955~~ 1945) or over on that anniversary date, or upon the first of the month following his attainment of age 60 (age 55 if born before January 1, ~~1955~~ 1945) if that occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning July 1, 1982 for firemen born before January 1, 1930, and beginning January 1, 1990 for firemen born after December 31, 1929 and before January 1, 1940, and beginning January 1, 1996 for firemen born after December 31, 1939 but before January 1, 1945, and beginning January 1, 2004, for firemen born after December 31, 1944 but before January 1, 1955, such increases shall be 3% and such firemen shall not be subject to the 30% maximum increase.

Any fireman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of 1995 apply beginning January 1, 1996 and apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act of 1995.

Any fireman born before January 1, 1955 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2004 is entitled to receive the initial increase under this subsection on (1) January 1, 2004, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 93rd General Assembly apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

(c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1959, from each payment of salary to a fireman, 1/8 of 1% of each such salary payment and an additional 1/8 of 1% beginning on September 1, 1961, and September 1, 1963, respectively, concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

Each such additional 1/8 of 1% deduction from salary which shall, on September 1, 1963, result in a total

increase of  $\frac{3}{8}$  of 1% of salary, shall be credited to the Automatic Increase Reserve, to be used, together with city contributions as provided in this Article, to defray the cost of the 1  $\frac{1}{2}$ % annuity increments herein specified. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

The salary deductions provided in this Section are not subject to refund, except to the fireman himself, in any case in which a fireman withdraws prior to qualification for minimum annuity and applies for refund, or applies for annuity, and also where a term annuity becomes payable. In such cases, the total of such salary deductions shall be refunded to the fireman, without interest, and charged to the aforementioned reserve.

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

(40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)

Sec. 6-165. Financing; tax.

(a) Except as expressly provided in this Section, each city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund. For the years prior to the year 1960, the tax rate shall be as provided for in the "Firemen's Annuity and Benefit Fund of the Illinois Municipal Code". The tax, from and after January 1, 1968 to and including the year 1971, shall not exceed .0863% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the city. Beginning with the year 1972 and each year thereafter the city shall levy a tax annually at a rate on the dollar of the value, as equalized or assessed by the Department of Revenue of all taxable property within such city that will produce, when extended, not to exceed an amount equal to the total amount of contributions by the employees to the fund made in the calendar year 2 years prior to the year for which the annual applicable tax is levied, multiplied by 2.23 through the calendar year 1981, and by 2.26 for the year 1982 and for each year thereafter.

To provide revenue for the ordinary death benefit established by Section 6-150 of this Article, in addition to the contributions by the firemen for this purpose, the city council shall for the year 1962 and each year thereafter annually levy a tax, which shall be in addition to and exclusive of the taxes authorized to be levied under the foregoing provisions of this Section, upon all taxable property in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient to produce for each year the sum of \$142,000.

The amounts produced by the taxes levied annually, together with the deposit expressly authorized in this Section, shall be sufficient, when added to the amounts deducted from the salaries of firemen and applied to the fund, to provide for the purposes of the fund.

(b) The taxes shall be levied and collected in like manner with the general taxes of the city, and shall be in addition to all other taxes which the city may levy upon all taxable property therein and shall be exclusive of and in addition to the amount of tax the city may levy for general purposes under Section 8-3-1 of the Illinois Municipal Code, approved May 29, 1961, as amended, or under any other law or laws which may limit the amount of tax which the city may levy for general purposes.

(c) The amounts of the taxes to be levied in each year shall be certified to the city council by the board.

(d) As soon as any revenue derived from such taxes is collected, it shall be paid to the city treasurer and held for the benefit of the fund, and all such revenue shall be paid into the fund in accordance with the provisions of this Article.

(e) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants, against the tax levies herein authorized for the current fiscal year.

(f) The various sums, hereinafter stated, including interest, to be contributed by the city, shall be taken from the revenue derived from the taxes or otherwise as expressly provided in this Section. Except for defraying the cost of administration of the fund during the calendar year in which a city first attains a population of 500,000 and comes under the provisions of this Article and the first calendar year thereafter, any money of the city derived from any source other than these taxes or the sale of tax anticipation warrants shall not be used to provide revenue for the fund, nor to pay any part of the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of



this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the taxes levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of those taxes.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; ~~and \$4,620,000 in 2003 ; \$4,200,000 in 2004; \$3,780,000 in 2005; \$3,360,000 in 2006; \$2,940,000 in 2007; \$2,520,000 in 2008; \$2,100,000 in 2009; \$1,680,000 in 2010; \$1,260,000 in 2011; \$840,000 in 2012; and \$420,000 in 2013.~~

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(Source: P.A. 89-136, eff. 7-14-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-210.1) (from Ch. 108 1/2, par. 6-210.1)

Sec. 6-210.1. Credit for former employment with the fire department.

(a) Any fireman who (1) accumulated service credit in the Article 8 fund for service as an employee of the Chicago Fire Department and (2) has terminated that Article 8 service credit and received a refund of contributions therefor, may establish service credit in this Fund for all or any part of that period of service under the Article 8 fund by making written application to the Board by January 1, 2000 and paying to this Fund (i) employee contributions based upon the actual salary received and the rates in effect for members of this Fund at the time of such service, plus (ii) interest thereon calculated as follows:

(1) For applications received by the Board before July 14, ~~the effective date of this amendatory Act of 1995~~, interest shall be calculated

on the amount of employee contributions determined under item (i) above, at the rate of 4% per annum, compounded annually, from the date of termination of such service to the date of payment.

(2) For applications received by the Board on or after July 14, ~~the effective date of this amendatory Act of 1995~~, interest shall be

calculated on the amount of employee contributions determined under item (i) above, at the rate of 4% per annum, compounded annually, from the first date of the period for which credit is being established under this subsection (a) to the date of payment.

(b) A fireman who, at any time during the period 1970 through 1983, was an employee of the Chicago Fire Department but did not participate in any pension fund subject to this Code with respect to that employment may establish service credit in this Fund for all or any part of that employment by making written application to the Board by January 1, 2005 ~~2000~~ and paying to this Fund (i) employee contributions based upon the actual salary received and the rates in effect for members of this Fund at the time of that employment, plus (ii) interest thereon calculated at the rate of 4% per annum, compounded annually, from the first date of the employment for which credit is being established under this subsection (b) to the date of payment.

(c) A fireman may pay the contributions required for service credit under this Section established on or after July 14, ~~the effective date of this amendatory Act of 1995~~ in the form of payroll deductions, in accordance with such procedures and limitations as may be established by Board rule and any applicable rules or ordinances of the employer.

(d) Employer contributions shall be transferred as provided in Sections 6-210.2 and 8-172.1. The employer shall not be responsible for making any additional employer contributions for any credit established under this Section.

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

(40 ILCS 5/6-210.2 new)

Sec. 6-210.2. City contributions for paramedics. Municipality credits computed and credited under Article 8 for all firemen who (1) accumulated service credit in the Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are participants in this Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be transferred by the Article 8 fund to this Fund, together with interest at the rate of 11% per annum, compounded annually, to the date of the transfer, as provided in Section 8-172.1 of this Code. These city contributions shall be credited to the individual fireman only if he or she pays for prior service as a paramedic in full to this Fund.

(40 ILCS 5/6-210.3 new)

Sec. 6-210.3. Payments and rollovers.

(a) The Board may adopt rules prescribing the manner of repaying refunds and purchasing any other credits permitted under this Article. The rules may prescribe the manner of calculating interest when payments or repayments are made in installments.

(b) Rollover contributions from other retirement plans qualified under the Internal Revenue Code of 1986 may be used to purchase any optional credit or repay any refund permitted under this Article.

(40 ILCS 5/6-211) (from Ch. 108 1/2, par. 6-211)

Sec. 6-211. Permanent and temporary positions; exempt positions above career service rank.

(a) Except as specified in subsection (b), no annuity, pension or other benefit shall be paid to a fireman or widow, under this Article, based upon any salary paid by virtue of a temporary appointment, and - all contributions, annuities and benefits shall be related to the salary which attaches to the permanent position of the fireman.

Any fireman temporarily serving in a position or rank other than that to which he has received permanent appointment shall be considered, while so serving, as though he were in his permanent position or rank, except that no increase in any pension, annuity or other benefit hereunder shall accrue to him by virtue of any service performed by him subsequent to attaining the compulsory retirement age provided by law or ordinance.

This Section ~~does shall~~ not apply to any person certified to the fire department by the civil service commission of the city, during the period of probationary service.

A fireman who holds a position at the will of the Fire Commissioner or other appointing authority, whether or not such position is an "exempt" position, shall be deemed to hold a temporary position, ~~and such employee's contributions and benefits shall be based upon the employee's permanent career service salary. The provisions of this paragraph shall be retroactive to January 1, 1976.~~

(b) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, for service in an exempt position above career service rank, employee contributions shall be based on the actual full salary attached to the exempt rank position held by the fireman.

For service in an exempt position above career service rank, benefit computations under this Article shall be based on the actual full salary attached to the exempt rank position held by the fireman if and only if:

(1) employee contributions have been paid on the actual full salary attached to the exempt rank position held by the fireman for all service on or after January 1, 1994 in an exempt position above career service rank;

(2) the fireman has held one or more exempt positions for at least 5 consecutive years (or, in the case of a fireman who retired due to attainment of compulsory retirement age before December 1, 2003, held one or more exempt positions for a consecutive period of at least 3 years and 9 months and made the payment required under subsection (c) for a period of at least 5 years) and has held the rank of battalion chief or field officer for at least 5 years (at least 3 years and 9 months in the case of a fireman who retired due to attainment of compulsory retirement age before December 1, 2003) during the exempt period; and

(3) the fireman was born before 1955.

(c) For service prior to the effective date of this amendatory Act of the 93rd General Assembly in an exempt position above career service rank for which contributions have been paid only on the salary attached to the fireman's permanent career service rank, a fireman may make the contributions required under subsection (b) by paying to the Fund before the later of the date of retirement or 6 months after the effective date of this amendatory Act, but in no event later than July 1, 2005, an amount equal to the difference between the employee contributions actually made for that service and the employee contributions that would have been made based on the actual full salary attached to the exempt rank position held by the fireman on or after January 1, 1994, plus interest thereon at the rate of 4% per year, compounded annually, from the date of the service to the date of payment (or to the date of retirement if retirement is before the effective date of this amendatory Act). In the case of a fireman who retired in an exempt rank position after January 1, 1994 and before January 1, 1999 and in the case of a fireman who retired due to attaining compulsory retirement age before December 1, 2003, the payment under this subsection (c) shall be for a period of at least 5 years.

If a fireman dies while eligible to make the contributions required under subsection (b) but before the contributions are paid, the fireman's widow may elect to make the contributions.

(d) Subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly apply to a fireman who retires (or becomes disabled) on or after January 1, 1994. In the case of a benefit payable on the effective date of this amendatory Act, the resulting increase in

benefit shall begin to accrue with the first benefit payment period commencing after the required contributions are paid.

(e) If a fireman or his survivors do not qualify to have benefits computed on the full amount of salary received for service in an exempt position as provided in subsection (b), benefits shall be computed on the basis of the salary attached to the permanent career service rank, and a refund of any employee contributions paid on the difference between the actual salary and the salary attached to the permanent career service rank shall be payable to the fireman upon termination of service, or to the fireman's widow or estate upon the fireman's death.

(f) The tax levy computed under Section 6-165 shall be based on employee contributions, including the payments of employee contributions under subsections (a), (b), and (c) of this Section 6-211.

(g) The city shall pay to the Fund on an annual basis, in addition to the usual city contributions, an amount at least equal to the sum of (1) the increase in normal cost resulting from subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly, plus (2) amortization (over a period of 30 years from the effective date of this amendatory Act) of the initial unfunded liability resulting from subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly. The payment required under this subsection shall be no less than \$400,000 per year. Payment shall begin with the first calendar year commencing after the effective date of this amendatory Act and shall be in addition to the tax levy otherwise calculated under Section 6-165. The city may increase that tax levy by the amount of the payment required under this subsection, or it may utilize any funds appropriated for this purpose.

(Source: P.A. 83-16.)

(40 ILCS 5/6-222) (from Ch. 108 1/2, par. 6-222)

Sec. 6-222. Administrative review.

(a) The provisions of the Administrative Review Law, and all amendments and modifications thereof and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the retirement board hereunder. The term "administrative decision" is as defined in Section 3-101 of the Code of Civil Procedure.

(b) If any fireman whose application for either a duty disability benefit under Section 6-151 or for an occupational disease disability benefit under Section 6-151.1 has been denied by the Retirement Board brings an action for administrative review challenging the denial of disability benefits and the fireman prevails in the action in administrative review, then the prevailing fireman shall be entitled to recover from the Fund court costs and litigation expenses, including reasonable attorney's fees, as part of the costs of the action.

(Source: P.A. 82-783.)

(40 ILCS 5/8-137) (from Ch. 108 1/2, par. 8-137)

Sec. 8-137. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1959 and before January 1, 1987, having attained age 60 or more, shall, in January of the year after the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%, and beginning with January of the year 1984 such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1959 and before January 1, 1987, but before age 60, shall receive such increases beginning in January of the year after the year in which he attains age 60.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, ~~the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and ~~who~~ has not received an increase under subsection (a) shall be increased by 3%, and the ~~such~~ annuity shall be increased

by an additional 3% of the current payable monthly annuity, including any ~~such~~ increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(a-6) Notwithstanding the provisions of subsections (a) and (a-5), for all calendar years following the year in which this amendatory Act of the 93rd General Assembly takes effect, an increase in annuity under this Section that would otherwise take effect at any time during the year shall instead take effect in January of that year.

(b) Subsections (a), ~~and (a-5)~~, and (a-6) are not applicable to an employee retiring and receiving a term annuity, as herein defined, nor to any otherwise qualified employee who retires before he makes employee contributions (at the 1/2 of 1% rate as provided in this Act) for this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with January, 1960, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance in such account at the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such additional employee contributions are not refundable, except to an employee who withdraws and applies for refund under this Article, and in cases where a term annuity becomes payable. In such cases his contributions shall be refunded, without interest, and charged to such account in the prior service annuity reserve.

(Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 8-26-02.)

(40 ILCS 5/8-138.4 new)

Sec. 8-138.4. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, an employee must:

(1) have been a contributor to the Fund who (i) on October 15, 2003, was in active payroll status as an employee; (ii) returns to active payroll status from an approved leave of absence prior to December 15, 2003; (iii) on October 15, 2003, is receiving ordinary or duty disability benefits under Section 8-160 or 8-161; or (iv) has been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

(3) file with the Board on or before January 30, 2004, a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) by the date of withdrawal or by February 29, 2004, whichever is earlier, have attained age 50 with at least 10 years of creditable service in this Fund, without including any creditable service established under this Section, and a total of at least 70 combined years of age and creditable service, without including any creditable service established under this Section, in one or more of the participating systems under the Retirement Systems Reciprocal Act.

A person is not eligible for the benefits provided in this Section if the person (i) elects to receive the alternative annuity for city officers under Section 8-243.2, or (ii) elects to receive a retirement annuity calculated under the alternative formula formerly set forth in Section 20-122.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible employee may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (d). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for determination of eligibility for automatic annual increases under Sections 8-137 and 8-137.1. Furthermore, an eligible employee must establish at least the amount of age and creditable service necessary to bring his or her age and total creditable service, including service in

this Fund, service established under this Section, and service in any of the other participating systems under the Retirement Systems Reciprocal Act, to a minimum that will satisfy the requirements of Section 8-138.

The creditable service under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of average annual salary and the determination of salary, earnings, or compensation under this or any other Article of this Code.

(c) An eligible employee shall be entitled to have his or her retirement annuity calculated in accordance with the formula provided in Section 8-138, except that the annuity shall not be subject to reduction because of withdrawal or commencement of the annuity before attainment of age 60.

(d) For each month of creditable service established under this Section, the employee must pay to the Fund an employee contribution, to be calculated by the Fund, equal to 4.25% of the member's monthly salary rate on October 15, 2003. The employee may elect to pay the entire contribution before the retirement annuity commences, or to have it deducted from the annuity over a period not longer than 24 months. If the retired employee dies before the contribution has been paid in full, the unpaid installments may be deducted from any annuity or other benefit payable to the employee's survivors.

All employee contributions paid under this Section shall not be deemed contributions made by employees for annuity purposes under Section 8-173, and shall be made and credited to a special reserve, without interest. Employee contributions paid under this Section may be refunded under the same terms and conditions as are applicable to other employee contributions for retirement annuity.

(e) Notwithstanding Section 8-165, an annuitant who reenters service under this Article after receiving a retirement annuity based on benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and shall have his or her retirement annuity recalculated at the appropriate time without the benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/8-138.5 new)

Sec. 8-138.5. Early retirement incentive for employees who have earned maximum pension benefits.

(a) A person who is eligible for the benefits provided under Section 8-138.4 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 8-138.4, may elect, by filing written election with the Fund by January 30, 2004, to receive a lump sum from the Fund equal to 100% of his or her salary on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (b), if applicable). If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 8-138 shall be reduced by an amount equal to the actuarial equivalent of the lump sum.

(b) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(40 ILCS 5/8-150.1) (from Ch. 108 1/2, par. 8-150.1)

Sec. 8-150.1. Minimum annuities for widows. The widow (otherwise eligible for widow's annuity under other Sections of this Article 8) of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of this Article is less than the amount provided in this Section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased

husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained the age of 60 or more years on such date if the death occurs before July 1, 1990, or age 55 or more if the death occurs on or after July 1, 1990, or age 50 or more if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936 or dies in service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after July 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained the age of 60 or more years if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained the age of 60 or more years on the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 or more if retirement occurs on or after July 1, 1990, or age 50 or more if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936 or withdraws from service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of

any former municipal employee receiving an annuity from the fund on August 9, 1965 or on the effective date of this amendatory provision, who re-enters service as a municipal employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) In computing the amount of annuity which the husband specified in the foregoing paragraphs (a) and (b) of this Section would have been entitled to receive, or received, such amount shall be the annuity to which such husband would have been, or was entitled, before reduction in the amount of his annuity for the purposes of the voluntary optional reversionary annuity provided for in Section 8-139 of this Article, if such option was elected.

(e) (Blank).

(f) (Blank).

(g) The amendatory provisions of this amendatory Act of 1985 relating to annuity discount because of age for widows of employees born before January 1, 1936, shall apply only to qualifying widows of employees withdrawing or dying in service on or after July 18, 1985.

(h) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be \$800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (h) shall not be limited by any other Section of this Act.

(i) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (i) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (j) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (j) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(k) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess

contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (k) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(l) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service on or after January 1, 2002 (regardless of whether that death in service occurs prior to at least 60 days after the effective date of this amendatory Act of the 93rd 92nd General Assembly ) with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/8-167) (from Ch. 108 1/2, par. 8-167)

Sec. 8-167. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who (i) re-enters service of the employer and serves for periods comprising at least 90 days 2 years after the date of the last refund paid to him or (ii) has completed at least 2 years of service under a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund after the date of the last refund, shall have his annuity rights restored by compliance with the following provisions:

(a) After that 90 day or such 2 year period, whichever applies, he shall repay in full to the fund, while in service, ~~in full~~ all refunds received, together with interest at the effective rate from the dates of refund to the date of repayment ~~;~~

(b) If payment is not made in a single sum, the repayment may be made in installments by deductions from salary or otherwise in such manner and amounts and manner as the board, by rule, may prescribe, with interest at the effective rate accruing on unpaid balances, ~~;~~

(c) If the employee withdraws from service or dies in service before full repayment is made, service credit shall be restored in accordance with Section 8-230.3(b).

(d) If the employee repays the refund while participating in a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund, the service credit restored must be used for a proportional annuity calculated in accordance with the Retirement Systems Reciprocal Act. If not so used, the restored service credit shall be forfeited and the amount of the repayment shall be refunded, without interest, such rights shall not be restored, but the amount, including interest, repaid by him, but without any further interest otherwise normally credited, shall be refunded to him or to his widow, or in the manner provided by the refund provisions of this Article if no widow survives.

This Section applies also to any person who received a refund from any annuity and benefit fund or pension fund which was merged into and superseded by the annuity and benefit fund provided for in this Article on or after December 31, 1959. Upon repayment such person shall receive credit for all annuity purposes in the annuity and benefit fund provided for in this Article for the period of service covered by the repayment such refund.

The amount of refund repayment is considered as salary deductions for age and service annuity and widow's annuity purposes in the case of a male person. In the latter case the amount of refund repayment is allocated in the applicable proportion for age and service and widow's annuity purposes. Such person shall also be credited with city contributions for age and service annuity, and widow's annuity if a male employee, in the amount which would have been credited and accrued if such person had been a participant in and contributor to the annuity and benefit fund provided for in this Article during the period of such service on the basis of his salary during such period.

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

(40 ILCS 5/8-172) (from Ch. 108 1/2, par. 8-172)

Sec. 8-172. Refunds - Transfer of city contributions. Whenever any amount is refunded as provided in Sections 8-168 and 8-169, except in the case of a male employee who becomes a widower while in service after he becomes age 65, the amounts to the credit of the male employee from contributions by the city, shall be transferred to the prior service annuity reserve. Thereafter, except as otherwise provided in Section 8-172.1, any such amounts shall become a credit to the city and, with interest thereon at the effective rate, be used to reduce the amount which the city would otherwise pay during a succeeding year.



(Source: Laws 1963, p. 161.)

(40 ILCS 5/8-172.1 new)

Sec. 8-172.1. Transfer of city contributions for paramedics.

(a) Municipality credits computed and credited under this Article 8 for all persons who (1) accumulated service credit in this Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are participants in the Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be transferred by this Article 8 fund to the Article 6 fund together with interest at the rate of 11% per annum, compounded annually, to the date of transfer. The city shall not be responsible for making any additional employer contributions to the Fund to replace the amounts transferred under this Section.

(b) Municipality credits computed and credited under this Article 8 for all persons who (1) accumulated service credit in this Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are not participants in the Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be used as provided in Section 8-172.

(40 ILCS 5/8-174) (from Ch. 108 1/2, par. 8-174)

Sec. 8-174. Contributions for age and service annuities for present employees and future entrants. (a) Beginning on the effective date and prior to July 1, 1947, 3 1/4%; and beginning on July 1, 1947 and prior to July 1, 1953, 5%; and beginning July 1, 1953, and prior to January 1, 1972, 6%; and beginning January 1, 1972, 6-1/2% of each payment of the salary of each present employee and future entrant shall be contributed to the fund as a deduction from salary for age and service annuity.

Such deductions beginning on the effective date and prior to July 1, 1947 shall be made for a future entrant while he is in the service until he attains age 65 and for a present employee while he is in the service until the amount so deducted from his salary with the amount deducted from his salary or paid by him according to law to any municipal pension fund in force on the effective date with interest on both such amounts at 4% per annum equals the sum that would have been to his credit from sums deducted from his salary if deductions at the rate herein stated had been made during his entire service until he attained age 65 with interest at 4% per annum for the period subsequent to his attainment of age 65. Such deductions beginning July 1, 1947 shall be made and continued for employees while in the service.

(b) Concurrently with each employee contribution beginning on the effective date and prior to July 1, 1947 the city shall contribute 5 3/4%; and beginning on July 1, 1947 and prior to July 1, 1953, 7%; and beginning July 1, 1953, 6% of each payment of such salary until the employee attains age 65. Notwithstanding any provision of this subsection (b) to the contrary, the city shall not make a contribution for any credit established by an employee under subsection (b) of Section 8-138.4.

(c) Each employee contribution made prior to the date the age and service annuity for an employee is fixed and each corresponding city contribution shall be credited to the employee and allocated to the account of the employee for whose benefit it is made.

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

(40 ILCS 5/8-174.1) (from Ch. 108 1/2, par. 8-174.1)

Sec. 8-174.1. Employer contributions on behalf of employees.

(a) The employer may make and may incur an obligation to make contributions on behalf of its employees in an amount not to exceed the employee contributions required by Sections 8-137, 8-161, 8-174, 8-182 and 8-182.1 for all salary earned after December 31, 1981. If such employee contributions are not made or an obligation to make such contributions is not incurred by the employer on behalf of its employees, the amount that could have been contributed shall continue to be deducted from salary. If employee contributions are made by the employer on behalf of its employees, they shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code; however, each city shall continue to withhold Federal and State income taxes based upon these contributions until the Internal Revenue Service or the Federal courts rule that pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer may make these contributions on behalf of its employees by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. The employer shall pay these employee contributions from the same source of funds used in paying salary to the employee or, if the employer is a Board of Education, it may also or alternatively pay such contributions in whole or in part from the proceeds of the pension contribution liability tax authorized by Section 34-60.1 of the School Code, as amended. If such a tax is levied with respect to any

fiscal year of a Board of Education, that portion of the contributions to be paid by the Board of Education on behalf of its employees for that fiscal year from the proceeds of such a tax shall not be due and payable into the Fund until the collection, in the calendar year following the calendar year in which such levy was made, of the actual tax bills extending the second installment of real estate taxes for the Board of Education for that calendar year, pursuant to Section 21-30 of the Property Tax Code, and such Board of Education shall not be required to pay those contributions to be paid from the proceeds of such a tax into the Fund except as collected from the extension of the actual tax bills. If employee contributions are made by the employer on behalf of its employees, they shall be treated for all purposes of this Article 8, including Section 8-173, in the same manner and to the same extent as employee contributions made by employees and deducted from salary; provided, however, that contributions which are made by a Board of Education on behalf of its employees shall not be treated as a pension or retirement obligation of the Board of Education for purposes of Section 12 of "An Act in relation to State revenue sharing with local governmental entities", approved July 31, 1969, as amended. For purposes of Section 8-173, contributions made by a Board of Education on behalf of its employees shall be treated as contributions made by or on behalf of employees to the Fund for the fiscal year for which the Board of Education incurred the obligation to make such contributions.

(b) Subject to the requirements of federal law and the rules of the Board, the Fund may allow the employee to elect to have the employer make on behalf of the employee the optional contributions that the employee has elected to pay to the Fund, and the contributions so made on the employee's behalf shall be treated as employer contributions for the purpose of determining federal tax treatment. The employer shall make contributions on behalf of an employee by a reduction in the cash salary of the employee and shall pay contributions from the same source of funds that is used to pay earnings of the employee. The election to have the contributions made on the employee's behalf is irrevocable, and the optional contributions may not thereafter be prepaid, by direct payment or otherwise.

If the provision authorizing the optional contribution requires payment by a stated date (rather than the date of withdrawal or retirement), the requirement will be deemed to have been satisfied if (i) on or before the stated date the employee executes a valid irrevocable election to have the contributions made on his or her behalf under this subsection, and (ii) the contributions made on his or her behalf are in fact paid to the Fund as provided in the election.

If employee contributions are made by the employer on the employee's behalf under this subsection, they shall be treated for all purposes of this Article 8, including Section 8-173, in the same manner and to the same extent as optional employee contributions made prior to the date made on the employee's behalf.

(Source: P.A. 88-670, eff. 12-2-94.)

(40 ILCS 5/8-192) (from Ch. 108 1/2, par. 8-192)

Sec. 8-192. Board created. A board of 5 members shall constitute a Board of Trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Municipal Employees', Officers', and Officials' Annuity and Benefit Fund of the city, or for the sake of brevity may also be known and referred to as the Retirement Board of the Municipal Employees' Annuity and Benefit Fund of such city. The board shall consist of the city comptroller, the city treasurer, and 3 members who shall be employees, to be elected as follows:

Within 30 days after the effective date, the mayor of the city shall arrange for and hold an election.

One employee shall be elected for a term ending on the first day in the month of December of the first year next following the effective date; one for a term ending December 1st of the following year; and one for a term ending on December 1st of the second following year.

The city comptroller, with the approval of the board, may appoint a designee from among employees of the city who are versed in the affairs of the comptroller's office to act in the absence of the comptroller on all matters pertaining to administering the provisions of this Article.

The members of a Retirement Board of a municipal employees', officers', and officials' annuity and benefit fund holding office in a city at the time this Article becomes effective, including elective and ex-officio members, shall continue in office until the expiration of their terms and until their respective successors are elected or appointed and have qualified.

An employee member who takes advantage of the early retirement incentives provided under this amendatory Act of the 93rd General Assembly may continue as a member until the end of his or her term.

(Source: P.A. 85-964.)

(40 ILCS 5/11-133.3 new)

Sec. 11-133.3. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, an employee must:

(1) have been a contributor to the Fund who (i) on October 15, 2003, was in active payroll status as an employee; (ii) returns to active payroll status from an approved leave of absence prior to December 15, 2003; (iii) on October 15, 2003, is receiving ordinary or duty disability benefits under Section 11-155 or 11-156 or (iv) has been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

(3) file with the Board on or before January 30, 2004, a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) by the date of withdrawal or by January 31, 2004, whichever is earlier, have attained age 50 with at least 10 years of creditable service in this Fund, without including any creditable service established under this Section, and a total of at least 70 combined years of age and creditable service, without including any creditable service established under this Section, in one or more of the participating systems under the Retirement Systems Reciprocal Act.

A person is not eligible for the benefits provided in this Section if the person elects to receive a retirement annuity calculated under the alternative formula formerly set forth in Section 20-122.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible employee may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (d). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for determination of eligibility for automatic annual increases under Sections 11-134.1 and 11-134.3. Furthermore, an eligible employee must establish at least the amount of age and creditable service necessary to bring his or her age and total creditable service, including service in this Fund, service established under this Section, and service in any of the other participating systems under the Retirement Systems Reciprocal Act, to a minimum that will satisfy the requirements of Section 11-134.

The creditable service under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of average annual salary and the determination of salary, earnings, or compensation under this or any other Article of this Code.

(c) An eligible employee shall be entitled to have his or her retirement annuity calculated in accordance with the formula provided in Section 11-134, except that the annuity shall not be subject to reduction because of withdrawal or commencement of the annuity before attainment of age 60.

(d) For each month of creditable service established under this Section, the employee must pay to the Fund an employee contribution, to be calculated by the Fund, equal to 4.25% of the member's monthly salary rate on October 15, 2003. The employee may elect to pay the entire contribution before the retirement annuity commences, or to have it deducted from the annuity over a period not longer than 24 months. If the retired employee dies before the contribution has been paid in full, the unpaid installments may be deducted from any annuity or other benefit payable to the employee's survivors.

All employee contributions paid under this Section shall not be deemed contributions made by employees for annuity purposes under Section 11-169, and shall be made and credited to a special reserve, without interest. Employee contributions paid under this Section may be refunded under the same terms and conditions as are applicable to other employee contributions for retirement annuity.

(e) Notwithstanding Section 11-161, an annuitant who reenters service under this Article after receiving a retirement annuity based on benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and shall have his or her retirement annuity recalculated at the appropriate time without the benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/11-133.4 new)

Sec. 11-133.4. Early retirement incentive for employees who have earned maximum pension benefits.

(a) A person who is eligible for the benefits provided under Section 11-133.3 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 11-133.3, may elect, by filing a written election with the Fund by January 30, 2004, to receive a lump sum from the Fund equal to 100% of his or her salary on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (b), if applicable). If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 11-134 shall be reduced by an amount equal to the actuarial equivalent of the lump sum.

(b) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(40 ILCS 5/11-134.1) (from Ch. 108 1/2, par. 11-134.1)

Sec. 11-134.1. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1963, and before January 1, 1987, having attained age 60 or more, shall, in the month of January of the year following the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning January, 1984, such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1963 and before January 1, 1987, but prior to age 60, shall receive such increases beginning with January of the year immediately following the year in which he attains the age of 60 years.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, ~~the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly~~, whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and ~~who~~ has not received an increase under subsection (a) shall be increased by 3%, and the ~~such~~ annuity shall be increased by an additional 3% of the current payable monthly annuity, including any ~~such~~ increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(a-6) Notwithstanding the provisions of subsections (a) and (a-5), for all calendar years following the year in which this amendatory Act of the 93rd General Assembly takes effect, an increase in annuity under this Section that would otherwise take effect at any time during the year shall instead take effect in January of that year.

(b) Subsections (a), ~~and (a-5)~~, and (a-6) are not applicable to an employee retiring and receiving a term annuity, as defined in this Article, nor to any otherwise qualified employee who retires before he shall have made employee contributions (at the 1/2 of 1% rate as hereinafter provided) for the purposes of this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with the month of January, 1964, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional employee contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance as of the beginning of each calendar year existing in such account shall be credited with interest at the rate of 3% per annum.

Such employee contributions shall not be subject to refund, except to an employee who resigns or is discharged and applies for refund under this Article, and also in cases where a term annuity becomes payable.

In such cases the employee contributions shall be refunded him, without interest, and charged to the aforementioned account in the prior service annuity reserve.

(Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 8-26-02.)

(40 ILCS 5/11-145.1) (from Ch. 108 1/2, par. 11-145.1)

Sec. 11-145.1. Minimum annuities for widows.

The widow otherwise eligible for widow's annuity under other Sections of this Article 11, of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of said Article 11 is less than the amount hereinafter provided in this section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained age 60 on or before such date if the death occurs before July 1, 1990, or age 55 if the death occurs on or after July 1, 1990, or age 50 if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), the widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936, or dies in service on or after January 1, 1988, or 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained age 60 if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained age 60 on or before the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 if retirement occurs on or after July 1, 1990, or age 50 if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of

service. Except as provided in subsection (j), this widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936, or withdraws from service on or after January 1, 1988, or 0.5% for each month that her then attained age was less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former employee receiving an annuity from the fund on August 2, 1965 or on the effective date of this amendatory provision, who re-enters service as a former employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) (Blank).

(e) (Blank).

(f) The amendments to this Section by this amendatory Act of 1985, relating to changing the discount because of age from 1/2 of 1% to 0.25% per month for widows of employees born before January 1, 1936, shall apply only to qualifying widows whose husbands die while in the service on or after August 16, 1985 or withdraw and enter on annuity on or after August 16, 1985.

(g) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be \$800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (g) shall not be limited by any other Section of this Act.

(h) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or

death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (h) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(i) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (i) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (i) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (j) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(k) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service on or after January 1, 2002 (regardless of whether that death in service occurs prior to at least 60 days after the effective date of this amendatory Act of the 93rd 92nd General Assembly ) with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/11-163) (from Ch. 108 1/2, par. 11-163)

Sec. 11-163. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who (i) re-enters service of the employer and serves for periods comprising at least 90 days 2-years after the date of the last refund paid to him or (ii) has completed at least 2 years of service under a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund after the date of the last refund, shall have his annuity rights restored by making application to the board in writing for the privilege of re-instating such rights and by compliance with the following provisions:

(a) After that 90 day or 2 year period, whichever applies, he shall repay in full to the Fund, while in service, ~~in full~~ all refunds received, together with interest at the effective rate from the application dates of such refund or refunds to the date of repayment.;

(b) If payment is not made in a single sum, repayment may be made in installments by deductions from salary or otherwise, in such manner and amounts as the board, by rule, may prescribe, with interest at the effective rate accruing on the unpaid balance ~~employee may elect~~. The employee shall be credited with interest at the effective rate from the date of each installment until full repayment is made.

(c) If the employee withdraws from service or dies in service before full repayment is made, service credit shall be restored in accordance with Section 11-221.2(b).

(d) If the employee withdraws from service or dies in service ~~or~~ during the required 90 day or 2 year period, any repayments made shall be refunded, without interest thereon and in accordance with the refund provisions of this Article.

(e) If the employee repays the refund while participating in a participating system (as defined in the

Retirement Systems Reciprocal Act) other than this Fund, the service credit restored must be used for a proportional annuity calculated in accordance with the Retirement Systems Reciprocal Act. If not so used, the restored service credit shall be forfeited and the amount of the repayment shall be refunded, without interest.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/11-167) (from Ch. 108 1/2, par. 11-167)

Sec. 11-167. Refunds in lieu of annuity. In lieu of an annuity, an employee who withdraws, and whose annuity would amount to less than \$800 a month for life may elect to receive a refund of the total sum accumulated to his credit from employee contributions for annuity purposes.

The widow of any employee, eligible for annuity upon the death of her husband, whose annuity would amount to less than \$800 a month for life, may, in lieu of a widow's annuity, elect to receive a refund of the accumulated contributions for annuity purposes, based on the amounts contributed by her deceased employee husband, but reduced by any amounts theretofore paid to him in the form of an annuity or refund out of such accumulated contributions.

Accumulated contributions shall mean the amounts including interest credited thereon contributed by the employee for age and service and widow's annuity to the date of his withdrawal or death, whichever first occurs, and including the accumulations from any amounts contributed for him as salary deductions while receiving duty disability benefits; provided that such amounts contributed by the city after December 31, 1983 while the employee is receiving duty disability benefits and amounts credited to the employee for annuity purposes by the fund after December 31, 2000 while the employee is receiving ordinary disability benefits shall not be included.

The acceptance of such refund in lieu of widow's annuity, on the part of a widow, shall not deprive a child or children of the right to receive a child's annuity as provided for in Sections 11-153 and 11-154 of this Article, and neither shall the payment of a child's annuity in the case of such refund to a widow reduce the amount herein set forth as refundable to such widow electing a refund in lieu of widow's annuity.

(Source: P.A. 91-887, eff. 7-6-00; 92-599, eff. 6-28-02.)

(40 ILCS 5/11-170.1) (from Ch. 108 1/2, par. 11-170.1)

Sec. 11-170.1. Pickup of employee contributions.

(a) The employer may pick up the employee contributions required by Sections 11-156, 11-170, 11-174 and 11-175.1 for salary earned after December 31, 1981. If employee contributions are not picked up, the amount that would have been picked up under this amendatory Act of 1980 shall continue to be deducted from salary. If contributions are picked up they shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code; however, the employer shall continue to withhold Federal and state income taxes based upon these contributions until the Internal Revenue Service or the Federal courts rule that pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer shall pay these employee contributions from the same source of funds which is used in paying salary to the employee. The employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 11, including Section 11-169, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(b) Subject to the requirements of federal law and the rules of the Board, the Fund may allow the employee to elect to have the employer pick up the optional contributions that the employee has elected to pay to the Fund, and the contributions so picked up shall be treated as employer contributions for the purpose of determining federal tax treatment. The employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay contributions from the same source of funds that is used to pay earnings of the employee. The election to have the contributions picked up is irrevocable, and the optional contributions may not thereafter be prepaid, by direct payment or otherwise.

If the provision authorizing the optional contribution requires payment by a stated date (rather than the date of withdrawal or retirement), the requirement will be deemed to have been satisfied if (i) on or before the stated date the employee executes a valid irrevocable election to have the contributions picked up under this subsection, and (ii) the picked-up contributions are in fact paid to the Fund as provided in the election.

If employee contributions are picked up under this subsection, they shall be treated for all purposes of this Article 11, including Section 11-169, in the same manner and to the same extent as optional employee contributions made prior to the date picked up.

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



(40 ILCS 5/11-178) (from Ch. 108 1/2, par. 11-178)

Sec. 11-178. Contributions by city for prior service annuities and other benefits.

The city shall make contributions to provide prior service and widow's prior service annuities, and other annuities and benefits, as follows:

1. To credit to the city contribution reserve such amounts required from the city but not contributed by it for age and service and prior service annuities, and widow's annuities and widows' prior service annuities;

2. To meet such part of any minimum annuity as shall be in excess of the age and service annuity and prior service annuity, and to meet such part of any minimum widow's annuity in excess of the amount of widow's annuity and widow's prior service annuity;

3. To provide a sufficient balance in the investment and interest reserve to permit a transfer from that reserve to other reserves of the fund. Whenever the balance of the investment and interest reserve is not sufficient to permit a transfer from that reserve to any other reserve, the city shall contribute sums sufficient to make possible such transfer;

4. An amount equal to the difference between (1) the sum produced by the tax levy stated in Section 11--169 and (2) all sums required for the purposes of this Article 11 in accordance with the provisions of this Article 11 except those stated in this Section, shall be applied for purposes of this Section.

Provided that if in any year such total sums together with all other sums required during such year for the other purposes of the fund, are in excess of the total amount contributed by the city during such year, the sums required for purposes other than those stated in this section shall first be provided for. The balance shall then be applied for the purposes stated in this section.

All such contributions shall be credited to the prior service annuity reserve. When the balance of this reserve equals its liabilities (including in addition to all other liabilities, the present values of all annuities, present or prospective, according to the applicable mortality tables and rates of interest, but excluding any liabilities arising under Sections 11-133.3 and 11-133.4), the city shall cease to contribute the sum stated in this section.

If annexation of territory and the employment by the city of any person employed as a city laborer in any such territory at the time of annexation, after the city has ceased to contribute as herein provided, results in additional liabilities for prior service annuity and widow's prior service annuity for any such employee, contributions by the city for such purposes shall be resumed.

Notwithstanding any provision in this Section to the contrary, the city shall not make a contribution for credit established by an employee under subsection (b) of Section 11-133.3.

(Source: Laws 1965, p. 2292.)

(40 ILCS 5/11-181) (from Ch. 108 1/2, par. 11-181)

Sec. 11-181. Board created. A board of 8 members shall constitute the board of trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of the city. The board shall consist of 5 persons appointed and 2 employees and one annuitant elected in the manner hereinafter prescribed.

The appointed members of the board shall be appointed as follows:

One member shall be appointed by the comptroller of the city, who may be himself or anyone chosen from among employees of the city who are versed in the affairs of the comptroller's office; one member shall be appointed by the City Treasurer of the city, who may be himself or a person chosen from among employees of the city who are versed in the affairs of the City Treasurer's office; one member shall be an employee of the city appointed by the president of the local labor organization representing a majority of the employees participating in the Fund; and 2 members shall be appointed by the civil service commission or the Department of Personnel of the city from among employees of the city who are versed in the affairs of the civil service commission's office or the Department of Personnel.

The member appointed by the comptroller shall hold office for a term ending on December 1st of the first year following the year of appointment. The member appointed by the City Treasurer shall hold office for a term ending on December 1st of the second year following the year of appointment. The member appointed by the civil service commission shall hold office for a term ending on the first day in the month of December of the third year following the year of appointment. The additional member appointed by the civil service commission under this amendatory Act of 1998 shall hold office for an initial term ending on December 1, 2000, and the member appointed by the labor organization president shall hold office for an initial term ending on December 1, 2001. Thereafter each appointive member shall be appointed by the officer or body that appointed his predecessor, for a term of 3 years.

The 2 employee members of the board shall be elected as follows:

Within 30 days from and after the appointive members have been appointed and have qualified, the

appointive members shall arrange for and hold an election.

One employee shall be elected for a term ending on December 1st of the first year next following the effective date; one for a term ending on December 1st of the following year.

An employee member who takes advantage of the early retirement incentives provided under this amendatory Act of the 93rd General Assembly may continue as a member until the end of his or her term.

The initial annuitant member shall be appointed by the other members of the board for an initial term ending on December 1, 1999. The annuitant member elected in 1999 shall be deemed to have been elected for a 3-year term ending on December 1, 2002. Thereafter, the annuitant member shall be elected for a 3-year term ending on December 1st of the third year following the election.

(Source: P.A. 90-766, eff. 8-14-98; 91-887, eff. 7-6-00.)

(40 ILCS 5/12-133) (from Ch. 108 1/2, par. 12-133)

Sec. 12-133. Fixed benefit retirement annuity.

(a) Subject to the provisions of paragraph (b) of this Section, the retirement annuity for any employee who withdraws from service on or after January 1, 1983 and before January 1, 1990, at age 60 or over, having at least 4 years of service, shall be 1.70% for each of the first 10 years of service; 2.00% for each of the next 10 years of service; 2.40% for each year of service in excess of 20 but not exceeding 30; and 2.80% for each year of service in excess of 30, with a pro-rated amount for service of less than a full year, based upon the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, provided that: (1) if retirement of the employee occurs below age 60, such annuity shall be reduced 1/2 of 1% for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 55 or over but less than age 60, having at least 35 years of service, shall not be subject to the reduction in his retirement annuity because of retirement below age 60; (2) the annuity shall not exceed 75% of such average annual salary; (3) the actual salary shall be considered in the computation of this annuity.

The retirement annuity for any employee who withdraws from service on or after January 1, 1990 and prior to December 31, 2003 at age 50 or over with at least 10 years of service, or at age 60 or over with at least 4 years of service, shall be 1.90% for each of the first 10 years of service, 2.20% for each of the next 10 years of service, 2.40% for each of the next 10 years of service, and 2.80% for each year of service in excess of 30, with a pro-rated amount for service of less than a full year, based upon the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, provided that:

(1) if retirement of the employee occurs below age 60, such annuity shall be reduced

1/4 of 1% (1/2 of 1% in the case of withdrawal from service before January 1, 1991) for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 50 or over having at least 30 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60;

(2) the annuity shall not exceed 80% of such average annual salary; and

(3) the actual salary shall be considered in the computation of this annuity.

An employee who withdraws from service on or after December 31, 2003, at age 50 or over with at least 10 years of service or at age 60 or over with at least 4 years of service, shall receive, in lieu of any other retirement annuity provided for in this Section, a retirement annuity calculated as follows: for each year of service immediately preceding the date of withdrawal, 2.40% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, with a prorated amount for service of less than a full year, provided that:

(1) if retirement of the employee occurs below age 60, such annuity shall be reduced 1/4 of 1% for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 50 or over having at least 30 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60;

(2) the annuity shall not exceed 80% of such average annual salary; and

(3) the actual salary shall be considered in the computation of this annuity.

Notwithstanding any other formula, the annuity for employees retiring on or after January 31, 2004 and on or before February 29, 2004 with at least 30 years of service shall be 80% of average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

(b) In lieu of the retirement annuity provided as an actuarial equivalent of the total accumulations from contributions by the employee, contributions by the employer, and prior service annuity plus regular interest, an employee in service prior to July 1, 1971 shall be entitled to the largest applicable retirement annuity provided in this Section if the same is larger than the annuity provided in other Sections of this

Article.

(c) The following schedule shall govern the computation of service for the fixed benefit annuities provided by this Section: Service during 9 months or more during any fiscal year shall constitute a year of service; 6 to 8 months, inclusive, 3/4 of a year; 3 to 5 months, inclusive, 1/2 year; less than 3 months, 1/4 of a year; 15 days or more in any month, a month of service.

(d) The other provisions of this Section shall not apply in the case of any former employee who is receiving a retirement annuity from the fund and who re-enters service as an employee, unless the employee renders from and after the date of re-entry, at least 3 years of additional service.

(Source: P.A. 86-272; 86-1488; 87-794.)

(40 ILCS 5/12-133.6 new)

Section 12-133.6. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) have been, on November 1, 2003, an employee (i) contributing to the Fund in active payroll status in a position of employment under this Article, (ii) returning to active payroll status from an approved leave of absence prior to December 1, 2003, (iii) receiving ordinary or duty disability benefits under Section 12-140, 12-142, or 12-143 or (iv) or have been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

(3) file with the Board before January 31, 2004 a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) have, by the date of withdrawal or by February 29, 2004, whichever is earlier, attained age 50 with at least 10 years of creditable service in one or more participating systems under the Retirement Systems Reciprocal Act, without including any creditable service established under this Section.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible person may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for purposes of determining age under item (5) of subsection (a).

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of highest average annual salary under Section 12-133 or the determination of salary under this or any other Article of this Code.

(c) For each month of creditable service established under this Section, the person must pay to the Fund an employee contribution to be determined by the Fund, equal to 4.50% of the person's monthly salary rate on the date of withdrawal from service. Subject to the requirements of subsection (d), the person may elect to pay the required employee contribution before the retirement annuity commences or through deductions from the retirement annuity over a period not longer than 24 months.

If a person who retires dies before all payments of the employee contribution have been made, the remaining payments shall be deducted from any survivor or death benefits payable to the employee's surviving spouse or beneficiary.

Notwithstanding any provision in this Article to the contrary, all employee contributions paid under this Section shall not be deemed employee contributions for the purpose of determining the tax levy under Section 12-149. Notwithstanding any provision in this Article to the contrary, the employer shall not make a contribution for any credit established by an employee under subsection (b) of this Section. Employee contributions made under this Section may be refunded under the same terms and conditions as other employee contributions under this Article.

(d) A person who retires under the provisions of this Section shall be entitled to have his or her retirement annuity calculated under the provisions of Section 12-133, except that the retirement annuity shall not be subject to reduction for retirement under age 60.

(e) Notwithstanding Section 12-146 of this Article, an annuitant who reenters service under this Article after receiving a retirement annuity based on additional benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and upon again retiring shall have his or her

retirement annuity recalculated at the appropriate time without the additional benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/12-133.7 new)

Sec. 12-133.7. Early retirement incentive for employees who have earned maximum pension benefits. A person who is eligible for the benefits provided under Section 12-133.6 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her highest average salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 12-133.6 may elect, by filing a written election with the Fund by January 30, 2004, to receive a lump sum from the Fund on his or her last day of employment equal to 100% of his or her salary for the year ending on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or after January 31, 2004 and on or before February 29, 2004. If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 12-133 shall be reduced by an amount equal to the actuarial equivalent of the lump sum. If a person elects to receive the benefit provided under this Section, the resulting reduction in retirement annuity under this Section shall not affect the amount of any widow's service annuity or widow's prior service annuity under Section 12-135 or any optional reversionary annuity for a surviving spouse under Section 12-136.1.

(40 ILCS 5/12-149) (from Ch. 108 1/2, par. 12-149)

Sec. 12-149. Financing. The board of park commissioners of any such park district shall annually levy a tax (in addition to the taxes now authorized by law) upon all taxable property embraced in the district, at the rate which, when added to the employee contributions under this Article and applied to the fund created hereunder, shall be sufficient to provide for the purposes of this Article in accordance with the provisions thereof. Such tax shall be levied and collected with and in like manner as the general taxes of such district, and shall not in any event be included within any limitations of rate for general park purposes as now or hereafter provided by law, but shall be excluded therefrom and be in addition thereto. The amount of such annual tax to and including the year 1977 shall not exceed .0275% of the value, as equalized or assessed by the Department of Revenue, of all taxable property embraced within the park district, provided that for the year 1978, and for each year thereafter, the amount of such annual tax shall be at a rate on the dollar of assessed valuation of all taxable property that will produce, when extended, for the year 1978 the following sum: 0.825 times the amount of employee contributions during the fiscal year 1976; for the year 1979, 0.85 times the amount of employee contributions during the fiscal year 1977; for the year 1980, 0.90 times the amount of employee contributions during the fiscal year 1978; for the year 1981, 0.95 times the amount of employee contributions during the fiscal year 1979; for the year 1982, 1.00 times the amount of employee contributions during the fiscal year 1980; for the year 1983, 1.05 times the amount of contributions made on behalf of employees during the fiscal year 1981; and for the year 1984 and each year thereafter, an amount equal to 1.10 times the employee contributions during the fiscal year 2-years prior to the year for which the applicable tax is levied. As used in this Section, the term "employee contributions" means contributions by employees for retirement annuity, spouse's annuity, automatic increase in retirement annuity, and death benefit.

In respect to park district employees, other than policemen, who are transferred to the employment of a city by virtue of the "Exchange of Functions Act of 1957", the corporate authorities of the city shall annually levy a tax upon all taxable property embraced in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient, when added to the amounts deducted from the salary or wages of such employees, to provide the benefits to which such employees, their dependents and beneficiaries are entitled under the provisions of this Article. The park district shall not levy a tax hereunder in respect to such employees. The tax levied by the city under authority of this Article shall be in addition to and exclusive of all other taxes authorized by law to be levied by the city for corporate, annuity fund or other purposes.

All moneys accruing from the levy and collection of taxes, pursuant to this section, shall be remitted to the board by the employers as soon as they are received. Where a city has levied a tax pursuant to this Section in respect to park district employees transferred to the employment of a city, the treasurer of such city or other authorized officer shall remit the moneys accruing from the levy and collection of such tax as

soon as they are received. Such remittances shall be made upon a pro rata share basis, whereby each employer shall pay to the board such employer's proportionate percentage of each payment of taxes received by it, according to the ratio which its tax levy for this fund bears to the total tax levy of such employer.

Should any board of park commissioners included under the provisions of this Article be without authority to levy the tax provided in this Section the corporation authorities (meaning the supervisor, clerk and assessor) of the town or towns for which such board shall be the board of park commissioners shall levy such tax.

Employer contributions to the Fund may be reduced by \$5,000,000 for calendar years 2004 and 2005.

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

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 600 was placed on the Calendar on the order of Concurrence.

### REPORTS FROM STANDING COMMITTEES

Representative Monique Davis, Chairperson, from the Committee on Appropriations-General Service to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to SENATE BILL 1271.

The committee roll call vote on Amendment No. 1 to Senate Bill 1271 is as follows:

4, Yeas; 2, Nays; 1, Answering Present.

Y Davis, Monique(D), Chairperson

Y Boland, Mike(D), Vice-Chairperson

N Dunn, Joe(R)

Y Verschoore, Patrick(D)

P Biggins, Bob(R), Republican Spokesperson

Y Burke, Daniel(D)

N Sommer, Keith(R)

Representative Richard Bradley, Chairperson, from the Committee on Personnel & Pensions to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to SENATE BILL 1705.

The committee roll call vote on Amendment No. 1 to Senate Bill 1705 is as follows:

8, Yeas; 0, Nays; 0, Answering Present.

Y Bradley, Richard(D), Chairperson

Y Colvin, Marlow(D)

Y McCarthy, Kevin(D)

Y Reitz, Dan(D), Vice-Chairperson

Y Smith, Michael(D) (Soto)

Y Brauer, Rich(R)

A Leitch, David(R)

Y Poe, Raymond(R), Republican Spokesperson

Y Schmitz, Timothy(R)

### INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered printed and placed in the Committee on Rules:

- HOUSE BILL 3994. Introduced by Representative Ryg, AN ACT concerning mechanics liens.
- HOUSE BILL 3995. Introduced by Representative Bellock, AN ACT in relation to gambling.
- HOUSE BILL 3996. Introduced by Representative Krause, AN ACT concerning public health.
- HOUSE BILL 3997. Introduced by Representative Brady, AN ACT concerning criminal law.
- HOUSE BILL 3998. Introduced by Representative Krause, AN ACT concerning small business development.
- HOUSE BILL 3999. Introduced by Representative Krause, AN ACT concerning small businesses.
- HOUSE BILL 4000. Introduced by Representative Krause, AN ACT concerning small business regulation.
- HOUSE BILL 4001. Introduced by Representative Ryg, AN ACT in relation to commemorative dates.
- HOUSE BILL 4002. Introduced by Representative Holbrook, AN ACT concerning financial regulation.
- HOUSE BILL 4003. Introduced by Representative Acevedo, AN ACT concerning vehicles.
- HOUSE BILL 4004. Introduced by Representative Millner, AN ACT concerning public bodies.
- HOUSE BILL 4005. Introduced by Representative Poe, AN ACT concerning disaster service volunteers.
- HOUSE BILL 4006. Introduced by Representative Eddy, AN ACT concerning vehicular offenses.
- HOUSE BILL 4007. Introduced by Representative Sacia, AN ACT concerning the General Assembly.
- HOUSE BILL 4008. Introduced by Representative Grunloh, AN ACT concerning infants who are born alive.
- HOUSE BILL 4009. Introduced by Representatives Sullivan - Dunn, AN ACT concerning taxes.
- HOUSE BILL 4010. Introduced by Representative Holbrook, AN ACT concerning finance.
- HOUSE BILL 4011. Introduced by Representatives Froehlich - Currie - Nekritz - Hamos, AN ACT in relation to elections.
- HOUSE BILL 4012. Introduced by Representatives Froehlich - Millner - Sacia, AN ACT in relation to transportation.
- HOUSE BILL 4013. Introduced by Representative Eddy, AN ACT in relation to public employee benefits.
- HOUSE BILL 4014. Introduced by Representative Eddy, AN ACT in relation to taxes.
- HOUSE BILL 4015. Introduced by Representative Stephens, AN ACT in relation to health.
- HOUSE BILL 4016. Introduced by Representatives Aguilar - Saviano, AN ACT concerning taxes.
- HOUSE BILL 4017. Introduced by Representative Joyce, AN ACT concerning tuberculosis sanitariums.
- HOUSE BILL 4018. Introduced by Representative Joyce, AN ACT concerning vehicles.

## RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

### HOUSE RESOLUTION 577

Offered by Representative Madigan:

WHEREAS, In order for State government to operate effectively, facilities must be efficiently maintained with attention to worker and citizen health and safety; and

WHEREAS, Since 1954, a significant number of government services have been provided through the 448,000 square feet of work space within the William G. Stratton Building; and

WHEREAS, In the 50-year span of the operation of the William G. Stratton Building, the technology, services, and practice of workplace safety have changed dramatically; and

WHEREAS, While reasonable facility lifespan requires periodic major rehabilitation, the monitoring of potential hazards will require the expenditure of significant sums to ensure the health and welfare of workers and visitors and will compound the expenditure of additional sums for other building systems to accommodate new technology; and

WHEREAS, In 2001, polychlorinated biphenyls (PCB's) were found in leaking ballast in the William G. Stratton Building; and

WHEREAS, The required abatement programs and other upgrades have been thoroughly documented by the Illinois Legislative Space Needs Commission and the Illinois Capital Development Board; and

WHEREAS, Since 2002, the State of Illinois has cooperated with the City of Springfield concerning the work of the Regional/Urban Design Assistance Team (RUDAT) concerning significant revitalization efforts in the central city; and therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that safety, health, and technological factors make it unrealistic and not fiscally feasible to rehabilitate the William G. Stratton Building; and be it further

RESOLVED, That steps be taken to plan for the replacement of the governmental work space in the William G. Stratton Building in reasonable accordance with the RUDAT findings; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Governor, the Chairman of the Legislative Space Needs Commission, the chief executive officer of the Capital Development Board, and the responsible parties for implementation on a timeframe consistent with the need to maintain orderly operations and fiscal responsibility.

#### HOUSE RESOLUTION 578

Offered by Representative Flowers:

WHEREAS, The United States Congress is now considering the Medicare Prescription Drug Bill; and

WHEREAS, In 2001 the United States spent 140.6 billion dollars on prescription drugs, with Medicare spending 2.4 billion dollars on prescription drugs; and

WHEREAS, The high cost of prescription drugs places an extraordinarily heavy burden on elderly persons and persons with disabilities who live on fixed incomes; and

WHEREAS, It is crucial for Congress and each of the state legislatures to respond to this health care crisis in a timely yet thoughtful manner; and

WHEREAS, The proposed federal Medicare Prescription Drug Bill awaiting approval from Congress does not adequately meet the needs of Illinois senior citizens and persons with disabilities, because it offers less assistance than our current State prescription drug programs offer; and

WHEREAS, The proposed federal Medicare Prescription Drug Bill includes a complicated drug benefit and fails to lower drug prices; and

WHEREAS, The proposed federal Medicare Prescription Drug Bill will adversely affect elderly persons and persons with disabilities who currently receive prescription drug coverage and other benefits under the Illinois Medicaid program; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call upon the United States Congress to refrain from passing the federal Medicare Prescription Drug Bill in its current form, and we further urge the United States Congress not to pass any measure that fails to do more for its senior citizens and persons with disabilities than do the current Illinois prescription drug programs; and be it further

RESOLVED, That a copy of this Resolution be sent to each member of the Illinois Congressional delegation.

#### HOUSE RESOLUTION 581

Offered by Representative Flowers:

WHEREAS, V-Day was born in 1998 as an outgrowth of Eve Ensler's Obie Award-winning play, "The Vagina Monologues"; as Eve performed the piece in small towns and large cities all around the world, she saw and heard first hand the destructive personal, social, political, and economic consequences that violence against women has for many nations; and

WHEREAS, Hundreds of women told her their stories of rape, incest, domestic battery, and genital mutilation; it was clear that something widespread and dramatic needed to be done to stop the violence; and

WHEREAS, Worldwide, over 40% of the adults who daily become infected with HIV are women; 10% to over 50% of women have been physically assaulted by an intimate partner; one-third to one-half of physically abused women also report sexual coercion; many of these women reported that suggesting

condom use resulted in violence; and

WHEREAS, The mission of V-Day is simple; it demands that the violence must end; it proclaims Valentine's Day as V-Day until the violence stops; when all women live in safety, no longer fearing violence or the threat of violence, then V-Day will be known as Victory over Violence Day; and

WHEREAS, Through V-Day campaigns, local volunteers and college students produce annual benefit performances of "The Vagina Monologues" to raise awareness and funds for anti violence groups within their own communities; in 2002, more than 800 V-Day benefit events were presented by local volunteer activists around the world, educating millions of people about the reality of violence against women and girls; and

WHEREAS, V-Day itself stages large scale benefits and promotes innovative gatherings and programs (The Afghan Women's Summit, The Stop Rape Contest, Indian Country Project, and more) to change social attitudes towards violence against women; and

WHEREAS, V-Day was named one of Worth Magazine's "100 Best Charities" in 2001; in its first five years, the V-Day movement has raised over \$14 million, with over \$7 million raised in 2002 alone; and

WHEREAS, On February 18, 2004, Chicago will hold its third consecutive V-Day event with the benefit production of "The Vagina Monologues"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize and wholeheartedly support the efforts that V-Day campaigns have made to stop violence against women by designating February 14 as V-Day.

#### HOUSE RESOLUTION 593

Offered by Representative Cross:

WHEREAS, The Special Supplemental Nutrition Program of Women, Infants, and Children (WIC) was established as a permanent program in 1974 and is currently administered by the Food and Nutrition Services of the United States Department of Agriculture (USDA); and

WHEREAS, The stated mission of WIC is to safeguard the health of low-income women, infants, and children up to the age of 5 who are at nutritional risk, by providing nutritious foods to supplement their diet, information on healthy eating, and referrals to health care services; and

WHEREAS, Most state WIC programs provide vouchers that participants use at authorized food stores, a wide variety of state and local organizations cooperate in providing food and health care benefits to WIC participants, and 46,000 merchants nationwide accept WIC vouchers; and

WHEREAS, A WIC food package is a set of foods for which a particular category of participants, such as pregnant and breastfeeding women, receive vouchers; and

WHEREAS, Scientific understanding about nutrition has advanced considerably since the WIC program was established in 1974; and

WHEREAS, 6 out of 7 WIC food packages have never been significantly changed or updated; and

WHEREAS, In April, 2000, the USDA announced that it would publish proposed regulations regarding updating the WIC food packages in September, 2000 and, to date, the USDA has failed to publish a proposed regulation; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the USDA to update and improve the quality of all WIC food packages, while further requiring that all food packages, target nutrients, and nutrient needs of participants be reevaluated and revised to reflect current nutritional science at least every 10 years; and be it further

RESOLVED, That suitable copies of this resolution be presented to Anne M. Veneman, Secretary of the United States Department of Agriculture, and to each member of the Illinois congressional delegation.

#### HOUSE RESOLUTION 594

Offered by Representative Cross:

WHEREAS, The National School Lunch Program is open to all children enrolled in participating schools and approximately 95% of public schools participate; and



WHEREAS, During the 2001-2002 school year, more than 27.4 million children in more than 97,000 schools and residential child care institutions participated in the National School Lunch Program; and

WHEREAS, Although the National School Lunch Program strives to offer children a balanced and nutritional meal every day, over the last twenty years, rates of obesity have doubled in children and have tripled in adolescents, prompting concerns that the program should be updated to provide even more nutritional awareness; and

WHEREAS, Good nutrition is important to the academic performance and success of every child; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to strengthen and improve the Child Nutrition Program and the National School Lunch Program by adding a State-level infrastructure and networking component to the Team Nutrition program by increasing the State Administrative Expense Formula and dedicating a portion of that increase to nutrition education; and be it further

RESOLVED, That we urge Congress to maintain current funding levels for existing Team Nutrition program components and to give the United States Department of Agriculture more flexibility to spend those resources; and be it further

RESOLVED, That we urge Congress to provide annual grants to states or school districts for a "Health Foods for Healthy Kids Initiative" for educational and promotional materials, salad bars and other healthier lunch options, innovative vending options, and other creative ways to help schools provide and encourage children to consume more fruits and vegetables; and be it further

RESOLVED, That we urge Congress to provide grants to states to train localities on the School Meals Initiative in order to help schools improve the nutritional quality of meals, increase, fruits and vegetables, reduce saturated fat, and improve the school nutrition environment; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Speaker of the U.S. House of Representatives, the President pro tempore of the U.S. Senate, and each member of the Illinois congressional delegation.

#### HOUSE RESOLUTION 595

Offered by Representative Cross:

WHEREAS, School meals must meet certain nutritional standards in order for a school food service program to receive federal subsidies; and

WHEREAS, These standards now include a requirement that school meals must contain at least 30% or less of their calories from fat and less than 10% of their calories from saturated fat; and

WHEREAS, In 1993, the United States Department of Agriculture (USDA) began the "School Meals Initiative for Healthy Children", a major reform of the school meal programs with the purpose of improving the nutritional content of school lunches and breakfasts; and

WHEREAS, Despite these standards and reforms, only 15% of schools nationwide meet the saturated fat standards for lunches; and

WHEREAS, 3 out of 4 high school students do not eat the minimum recommended daily amount of 5 servings of fruits or vegetables each day; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois State Board of Education to develop guidelines concerning how schools can meet the USDA standards for saturated fat, as well as provide healthier alternatives; and be it further

RESOLVED, That we urge school districts to design a school lunch menu for at least one week out of every month that meets the USDA saturated fat standards and promotes more nutritional meal selections; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Illinois State Board of Education for distribution to all school districts.

#### HOUSE RESOLUTION 596

Offered by Representative Cross:

WHEREAS, There are an estimated 58 million overweight Americans with 40 million considered obese and another 3 million morbidly obese; and

WHEREAS, There has been a 76 percent increase in Type II diabetes in adults ages 30-40 years old since 1990, with 80 percent of all Type II diabetes cases related to obesity; and

WHEREAS, The incidence of obesity is also on the rise, with over 14 million children considered overweight or obese; and

WHEREAS, Studies have suggested that one in four overweight children are already showing early signs of Type II diabetes and 60 percent already have one evident risk factor for developing heart disease; and

WHEREAS, Of all children diagnosed with Type II diabetes, over 85 percent are considered obese; and

WHEREAS, Hospital costs associated with childhood obesity have risen from \$35 million in 1979 to \$127 million in 1999; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the months of January and February shall be known as Children's Nutritional Awareness Months to encourage individuals to develop healthy eating habits and engage in more physical activity.

### AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

#### HOUSE RESOLUTION 576

Offered by Representative Younge:

WHEREAS, The members of the Illinois House of Representatives were saddened to learn of the death of Alzada Christian-Carr of East Saint Louis on November 14, 2003; and

WHEREAS, Alzada Christian-Carr was born on July 11, 1945 to Theodore and Hattie Christian; she grew up on Goose Hill and attended Garfield and Carver Schools; she went to Rock Junior High School and graduated from East St. Louis Senior High School; she continued her education as an Honor Student of the American Institute of Banking; she later graduated from the Municipal Clerks of Illinois Institute and was a student of the Municipal Clerks of Illinois Academy; she was a Registered Clerk of the State of Illinois and an International Certified Clerk, and the designation of Master Municipal Clerk was conferred upon her by the International Master Municipal Clerk Academy; and

WHEREAS, She worked at National Stockyards Bank and Bank of St. Louis where she was one of the first recipients of the Urban League Black Achievers Award in 1974; her banking career also included employment at Continental Bank of Chicago and Riggs National Bank of Washington, D.C.; and

WHEREAS, She served as Deputy Clerk of the City of East St. Louis for ten years and was elected City Clerk for four terms; she was elected First Vice-President of Districts 7, 8, and 9 of the Southwestern Illinois Municipal Clerks Association and was the first City Clerk of East St. Louis to become a Certified Clerk of the International Institute of Municipal Clerks; she was appointed District Director of District IX of Illinois Municipal Clerks for 1999-2000; and

WHEREAS, In 2001, she was presented the Ilion Crabel Member of the Year Award, the highest honor conferred by the Municipal Clerks of Illinois; her greatest achievement as City Clerk was to have the Municipal City Code updated; she retired in May 2002 and was the first City Clerk to retire after twenty-five years of service; and

WHEREAS, She served as Democrat Precinct Committeewoman of Goose Hill for ten years; she served as Secretary of the City Central Democratic Organization and was Secretary of the County of St. Clair Democratic Organization for ten years; her local, state, and national memberships, awards, and honors are far too numerous to name; and

WHEREAS, She was a Charter Member of the North End Missionary Baptist Church and served as First Financial Secretary and First Announcing Clerk; she was a dependable and loyal member and served the church in many ways; she was affectionately called "Co-Pastor"; and

WHEREAS, The passing of Alzada Christian-Carr will be deeply felt by many, especially her two daughters; Candace (Richard) King and Gerri Butler; six grandchildren, Brandi Butler, Dameon Christian, Kevisha White, Dennis Butler III, Courtney Butler, and Carlton King; three sisters, Fran (Howard)

Hairston, Voncille Cox, and Sabrina (Tommie) Johnson; three brothers, T.C. (Beverly) Christian, Jr., Taft (Marie) Christian, Sr., and Charles (Ruby) Christian, Sr.; one godson, Roderick (Corliss) Townsend; two "adopted" daughters, Phyllis Mitchell and Karen Robinson; sixty-two Daughters of Venus Temple #1042; and a host of nieces, nephews, great-nieces, great-nephews, great-great nieces and nephews, cousins; and extended family of Griggs, Neely, Holloway, and Christian; and her North End Church Family, Goose Hill Family, Elk Family, and many friends; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Alzada Christian-Carr along with all who knew and loved her and extend our sincere condolences to her family, friends, and community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Alzada Christian-Carr as an expression of our deepest sympathy.

#### HOUSE RESOLUTION 579

Offered by Representative Flowers:

WHEREAS, The members of the Illinois House of Representatives were saddened to learn of the death of Wayne Phillips, Jr. of Chicago on June 20, 2003; and

WHEREAS, Mr. Phillips, Jr., whom was affectionately known as "Little Wayne," was born in Chicago on May 11, 1972; he was the second of four children born to the union of Betty J. Flowers and Wayne Phillips, Sr.; and

WHEREAS, Mr. Phillips attended Accounters Preparatory Academy and Barton Elementary school; he continued his education at Simeon Vocational High School; he graduated from Roseland Community School in 1989 and he attended Kennedy-King College where he majored in Business Administration and Computer Science; and

WHEREAS, Mr. Phillips' career began at the State of Illinois, where he served as an Office Associate, Associate of Triangle, and as a Personal Assistant with the Department of Human Rights; he later joined Ameritech as a Consumer Advocate and finally with Sprint PCS as a Customer Service Business Representative; and

WHEREAS, Mr. Phillips' compassion and caring was unmatched; his love for his family was evident and he was always a strong son, grandson, brother, uncle, nephew, cousin, and friend; and

WHEREAS, The passing of Wayne Phillips, Jr. will be deeply felt by many, especially his parents, Betty and Wayne Phillips, Sr.; his siblings, Cherron Phillips, Devon Phillips, and Eva Phillips; his nephews, Joshua Jamal Anderson and Jaylen Jamal Phillips; his grandmother, Lula Flowers; his aunts, State Representative Mary E. Flowers (Daniel Coutee), Shirley Hiner, and Kimberly Flowers (Torianno Watson); his five uncles, Mall Phillips, Robert Phillips, Willie Flowers, Edward Flowers, and Louis Flowers (Lynette); and a host of other cousins, relatives, and friends; and

WHEREAS, Mr. Phillips was preceded in death by his uncle, Thomas; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Wayne Phillips, Jr. along with all who knew and loved him and extend our sincere condolences to his family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Wayne Phillips, Jr. as an expression of our deepest sympathy.

#### HOUSE RESOLUTION 580

Offered by Representative Flowers:

WHEREAS, November 2003 marks exactly 100 years to the month since seven Canadian nuns of the order of the Religious Hospitallers of St. Joseph arrived in Chicago to found a hospital; and

WHEREAS, Just 24 months after arriving here from Montreal, these determined nuns opened St. Bernard Hospital in the Englewood neighborhood of Chicago; and

WHEREAS, St. Bernard is the only hospital of four that have served Englewood over the years to remain after the community underwent devastating economic and social changes and has provided continuous

service to Englewood since its doors opened in 1905; and

WHEREAS, Children are the largest single category of patients at St. Bernard's Emergency Room and the majority of their care is subsidized or provided cost-free; and

WHEREAS, On November 18, 2003, a state-of-the-art pediatric mobile health unit was unveiled to kick-off St. Bernard's two-year Centennial Celebration; and

WHEREAS, The mobile pediatric health unit will offer onsite vaccinations and other health care services at schools throughout Englewood; and

WHEREAS, The staff of the mobile unit will work interactively with the hospital's innovative Pediatric Urgent Care Clinic to improve access to pediatric immunizations and checkups as well as link the children and their families to other community and service groups; and

WHEREAS, Today the staff, board, and hospital leadership of St. Bernard Hospital have maintained the tradition established by the first sisters who arrived in Englewood by relying on the neighborhood for many kinds of support; and

WHEREAS, Many dignitaries will join the community at the dedication of the mobile pediatric unit including Sister Elizabeth Van Straten, R.H.S.J., President of St. Bernard Hospital and Health Center; Gallery 37 Artist Miguel Fernandez, who has designed a 40 foot long mural for the mobile unit; City of Chicago Cultural Arts Commissioner Lois Weisberg; Sister Anne-Marie Savoie, R.H.S.J., Superior General of the Religious Hospitallers of St. Joseph; Gregory Whitehead, Chairman of St. Bernard's Board of Trustees; Bishop Joseph Perry of the Archdiocese of Chicago; and the Walter Reed Elementary School Choir; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate St. Bernard Hospital and Health Center for its service to Illinois and for the kick-off of its Centennial Celebration; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Sister Elizabeth Van Straten, R.H.S.J., President of St. Bernard Hospital and Health Center, as a token of our respect and esteem and with sincere wishes for its continued success.

#### HOUSE RESOLUTION 582

Offered by Representative Monique Davis:

WHEREAS, The members of this Body wish to congratulate Elder Charles Mason Ford, Pastor of the St. Paul Church of God in Christ of Chicago, on being selected to be Auxiliary Bishop of the Church of God in Christ; and

WHEREAS, Charles Mason Ford was born on January 3, 1936 in Chicago to Bishop L.H. Ford and Margaret Little Ford; and

WHEREAS, Bishop Ford served his church for several decades as its radio broadcast announcer, known as the "voice of St. Paul"; he served First Jurisdiction-Illinois as the Director of Urban Ministries and as Director of the "They Shall Be Fed Program" which distributed emergency food through 90 interdenominational churches; and

WHEREAS, Bishop Ford was ordained by his father, Bishop L.H. Ford, in 1982; in 1989, he was appointed Church of God in Christ, National Director of Urban Ministries; he was later appointed to represent the Church of God in Christ on the Board of Directors of the Congress of National Black Churches; he was selected Chairman of the Audit and Finance Committee; and

WHEREAS, Bishop Ford served at St. Paul as Assistant Pastor and then as Pastor in 1995; in 1997, he was appointed Superintendent of the Bishop Louis Henry Ford Memorial District; he was selected to serve on the Jurisdiction's Board of Directors and on the Board of Directors of the Jurisdiction's not-for-profit Moriah Corporation, which is responsible for its outreach and social service ministries; in 1999, he was appointed to the office of Administrative Assistant to Bishop Ocie Booker, Prelate of First Jurisdiction-Illinois; and

WHEREAS, In November of 2000, he was chosen by the General Assembly of the Church of God in Christ to be a member of the National Board of Trustees; his colleagues selected him to be the Chairman of the Board; he was recommended to become Auxiliary Bishop in 2001 and approved in May of 2003; and

WHEREAS, Bishop Ford is a retired public servant; he was the Deputy Commissioner of the City of Chicago's Department of Human Services, where he helped administer social services, community organizing, pre-school, and emergency service programs; and

WHEREAS, Bishop Ford's motto for the church is "A full time ministry, ministering full time to the entire family"; he has successfully negotiated and received government funding to build a 60-unit independent living senior citizens housing complex and a 24-unit building to house the disabled and their families; he has renovated a former CHA building to house St. Paul Community Development Ministries programs in the new St. Paul Family and Community Center; and

WHEREAS, Bishop Charles Ford has been married for 47 years to Marlene Rochelle (Ringer) Ford; they are the parents of 5 children, Elder Kevin, Louis, Jacqueline, Christi, and Corey, and grandparents of 7, Jeremy, Sharon, Charles, Brian, Mason, Kevin, and Brandon; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Bishop Charles Ford on being selected to be Auxiliary Bishop of the Church of God in Christ; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Bishop Charles Ford as an expression of our esteem.

#### HOUSE RESOLUTION 583

Offered by Representative Chapa LaVia:

WHEREAS, The members of the Illinois House of Representatives recognize Progressive Baptist Church of Aurora on the occasion of its 40th anniversary; and

WHEREAS, In November of 1963, eleven faithful Christians began a prayer services in the home of Dan and Rosie Stewart, at 803 East Benton Street; out of the midst was born Progressive Baptist Church formally organized in December of that same year; armed with a strong Christian faith embodied in love, their vision led them onward with founding pastor, Reverend Robert Wesby; and

WHEREAS, Progressive Baptist Church has come this far by faith; this church was founded upon the principles of charity and liberation of the captives; the church immediately began to experience the manifestation of these challenges in that it endured two fires within the building of questionable origin, cross burnings in front of the church, bomb threats, endless obscene phone calls, as well as hate mail; the perils of these challenges were instrumental in drawing the church family even closer together; and

WHEREAS, Pastor Wesby was well known in the community as a civil rights crusader and social activist who was closely acquainted with such civil rights leaders as the Rev. Dr. Martin Luther King Jr. and the Rev. Jesse Jackson; he was instrumental in establishing the Aurora Urban League as well as the first blood bank and the first food bank; he was the guiding force of the Church until his murder in July 1988; it was a great blow to the Church and the community; since then, the congregation has continued its ministry under the leadership of the Rev. Roy R. Brown, the current pastor and the second in the Church's history; and

WHEREAS, Pastor Brown, a retired corporate executive, has brought to Progressive an anointed Teaching/Preaching ministry that is moving Progressive Church to higher heights; he is known as a visionary leader with exceptional leadership, organizational, and administrative talents; and

WHEREAS, Progressive Baptist Church is a beacon of light in the Fox Valley community, unafraid to right the wrongs, to feed the poor, clothe the naked, demand civil liberties, speak for the less fortunate, and open it's doors to anyone considered disadvantaged; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize Progressive Baptist Church on the occasion of its 40th anniversary of service and dedication to the Fox Valley community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Progressive Baptist Church Reverend Roy Brown as an expression of our respect and esteem.

#### HOUSE RESOLUTION 584

Offered by Representative Leitch:

WHEREAS, The members of the House of Representatives wish to congratulate Tom Schwarzlose on the occasion of his 50 continuous years of loyal association with Traders Realty and his years of community service; and

WHEREAS, Mr. Schwarzlose began his career with Traders Realty in Peoria in October of 1953 and since that time has been a member of the Peoria Area Association of Realtors and past president of the Peoria Association of Realtors; he was among the first graduating class of the Graduate Realtors Institute in Illinois and was the first recipient of the Peoria Area Association of Realtors' "Realtor of the Year" award; he was one of the first 2 "Million Dollar Producers" in the Peoria area and is held in high regard and esteem by his colleagues at Traders and by other realtors statewide; and

WHEREAS, Throughout his life, Mr. Schwarzlose has set a standard of excellence in his commitment to his community and has always left the community organizations he has served better than he found them; he began his idea of giving back to his community while captured during World War II and spending 8 months as a prisoner of war in Germany, thus beginning his work with the American Red Cross; he has served as President and Chairman of the United Way, President of the Peoria Jaycees, an Executive Board member of the Creve Coeur Council of the Boy Scouts, a member of the Board of Directors of Christian Buehler Memorial Home, a Charter member of the Board of Peoria City Beautiful, a member of the St. Francis Community Board, President and Board member of the Bergen PTA, and President and Director of St. Augustine Manor and has served on Crippled Children's, Cancer and Heart drives; and

WHEREAS, Mr. Schwarzlose is the recipient of the Peoria Jaycees' Distinguished Service Award and was the 1999 recipient of the Illinois Association of Realtors' Citizenship Award, an award recognizing one realtor within the State of Illinois who has provided outstanding contributions and service to his or her local community and the real estate industry; and

WHEREAS, Mr. Schwarzlose is recognized in the Peoria community for his constant display of love and respect for and commitment to his fellow man; he is revered by his realtor peers for his personal integrity, honesty, and sense of fairness; his 50 years of dedication to Traders Realty and the impact he has had on organized real estate is a testament to his loyalty and dedication of purpose; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Mr. Tom Schwarzlose on the occasion of his 50 years of continuous service to Traders Realty and to the community of Peoria; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mr. Schwarzlose as an expression of our esteem.

#### HOUSE RESOLUTION 585

Offered by Representative Cross:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate the members of the Oswego High School football team on winning the IHSA Class 7A State Championship Game; and

WHEREAS, The Oswego Panthers defeated Libertyville on Saturday, November 29, 2003, in a game that ended during the second overtime with a score of 28 to 21; the Panthers finished the season with a record of 13 wins and one loss, defeating Alton (Sr.), Bolingbrook, East St. Louis (Sr.), and Downers Grove (North) in the playoffs to reach the championship game; three of the aforementioned teams were previously undefeated; and

WHEREAS, Head Coach Karl Hoinkes led the Oswego Panthers to their second State Championship; the Panthers were also State Champions in 1992; the assistant coaches for the 2003 Panthers are Alex Bitto, Dave Keely, Marc Kersting, Chris Neitzel, and Ken Pickerill; the team captains of the Oswego Panthers are Adrian Pynenberg, Sean Staffeldt, and Jeff Ziennik; the principal of Oswego High School is Todd Colvin; and

WHEREAS, The members of the Oswego Panthers are Jake Witcpalek, Ryan Keeton, Sidney Upchurch, Matt Bernard, Andrew Mast, Darrion Robinson, Jeff Ziennik, Bryan Carella, Sean Eucker, Tim Boyle, Jabril Lewis, Tim Klatt, Todd Crackel, Mike Carlton, Ryan Sheive, Dwayne Staniszewski, Dan Engelhardt, Lavern Allen, Jeff Davis, Adrian Pynenberg, Andrew Woods, Steve Penrod, Jason Seraphin, Eddie Predl, Glaudis Lawrence, Jeff Faltz, Mike Ortiz, Matt Jernstad, Steve Guzman, Jeremy Swafford, Chris Youkhana, Jacob Clark, Rich Flores, Cary Kubiak, Richard Lawson, Ryan Uher, Sean Noggle, Dustin Roop, Cole Rogers, Mike Wirth, Adam Robinson, Brandon Stork, Jake Thorson, Julius Lakatos, Greg Donaldson, Rob Enck, Robert Hoyland, Ed Ohligschlager, Brad Clement, Dan Rivera, Sean Staffeldt, Nick Wirth, Lee Constantine, Brandon Hazard, Aaron Miller, Pat Loftus, Jim Siddall, David Villa, Dan Koialovitch, Jake Torrance, John Medina, Ryan Chartrand, Brian Schaffer, Ryan Lavender, David Atwood,

Jesse Zaragoza, and Alex Magee; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the team members, coaches, students, and faculty at Oswego High School on winning the 2003 IHSA Class 7A State High School Football Championship; and be it further

RESOLVED, That a suitable copy of this resolution be presented to each of the coaches and members of the football team as an expression of our esteem and with best wishes for their future success.

#### HOUSE RESOLUTION 586

Offered by Representative McGuire:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate Ms. Norma Schulfer on being awarded the second place 3M Innovative Economic Educator Award; and

WHEREAS, The 3M Innovative Economic Educator Award is sponsored by 3M and the Illinois Council on Economic Education (ICEE); the award honors innovative instruction that increases economic understanding; Ms. Schulfer received Second Place in the Secondary Division for a creative unit that dispels the myth that economics is limited to the business section in the newspaper; and

WHEREAS, Ms. Schulfer's curriculum unit, "Econ, Econ, Read All About It!", involves students exploring daily newspapers through a variety of fun activities; students gain an awareness of choices they make in simply choosing to pick up a newspaper; these choices range from what the youth reads to what he or she purchases; students learn to recognize and analyze incentives and weigh benefits of their choices against the costs; and

WHEREAS, The Illinois Council on Economic Education is a unit within the division of NIU Outreach at Northern Illinois University; through eight Centers for Economic Education at universities throughout the State, ICEE provides professional development programs for Kindergarten through Twelfth Grade teachers, curriculum consulting, and student programs to enhance economic understanding; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Norma Schulfer on being named the second place winner of the 3M Economic Educator Award; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Ms. Schulfer as an expression of our respect and esteem.

#### HOUSE RESOLUTION 587

Offered by Representative Black:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with regret of the death of Harlan R. Hosch of Danville on Wednesday, November 19, 2003; and

WHEREAS, Mr. Hosch was born on October 20, 1920 in Danville to Harry and Julie Linne Hosch; he graduated from Danville High School and Ohio University in Athens, Ohio; he also attended the University of Illinois; he married Jane Royse on February 24, 1946 in Danville; and

WHEREAS, Mr. Hosch valiantly served his country in the U.S. Navy aboard a destroyer in the South Pacific during World War II and on another destroyer during the Korean War; he served in the U.S. Navy Reserves and retired as a commander; and

WHEREAS, Mr. Hosch served as Chief Probation Officer for Vermilion County, as Vermilion County Treasurer from 1962 to 1966, as U.S. Marshal from 1969 to 1974, as Newell Township Supervisor, and as Vermilion County Sheriff from 1958 to 1962 and 1966 to 1970; during his tenure as sheriff, he was responsible for getting marked units, putting the officers in uniform, and giving officers the power to write tickets; and

WHEREAS, Mr. Hosch was a member of Bowman Avenue United Methodist Church for over 60 years and served on the board; he was active in Olive Branch Masonic Lodge #38 and Danville Consistory for more than 50 years; he was also a member of Ansar Shrine, Eastern Illinois Shrine Club, and Gao Grotto; he was a past commander of American Legion Post #210; he is remembered as a friendly individual with a sense of humor and an interest in people; he enjoyed sports and golf; and

WHEREAS, The passing of Mr. Hosch has been deeply felt by many, especially his wife, Jane; his children, Luana (James) Oiler, Harlan (Randy) Hosch, Susan (Scott) DeVore, and Chris (Debi) Hosch; and his grandchildren, Ashleigh, Megan, and Jimmy Oiler, Ryan and Erin Hosch, Adrienne, Cameron, and Spencer DeVore, and Andy and Steve Hosch; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Harlan R. Hosch, and we extend our deepest sympathy to his family, friends, and all who knew and loved him; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Harlan R. Hosch as an expression of our sincere condolences.

#### HOUSE RESOLUTION 588

Offered by Representative Hoffman:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate the Knights of Columbus, Council No. 1712 of Collinsville on the occasion of its 90th anniversary; and

WHEREAS, Council No. 1712 received its charter on December 13, 1913; a special mass is planned in honor of the Council which will include the 4th Degree Honor Guard and Father Morris as the guest speaker; and

WHEREAS, Among the Council's many special events and activities are a Mentally Handicapped/Learning Disability drive, a Spelling Bee Contest, a Free Throw Competition, and a Christmas party for children; the Council contributes to the Special Olympics, supports the Fairview Heights Autism Program, and makes donations to the recreational center, Shriners Hospital, Cardinal Glennon Hospital, and Collinsville High School; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Knights of Columbus, Council No. 1712 of Collinsville on its 90th anniversary; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Knights of Columbus, Council No. 1712 of Collinsville as an expression of our respect and esteem and with many thanks for its contributions to the community.

#### HOUSE RESOLUTION 589

Offered by Representative Howard:

WHEREAS, The members of the Illinois House of Representatives were saddened to learn of the death of Silas Purnell on November 1, 2003; and

WHEREAS, Mr. Purnell was the retired of director of the Educational Services Division at Ada S. McKinley Community Services, Inc., after 34 years of service; and

WHEREAS, Silas Purnell was born on March 10, 1923 in Chicago; he was a graduate of the Chicago Public School System and received his bachelor's degree in business administration from the Tuskegee Institute; in addition, he served in the United States Air Force for 3 and one-half years; and

WHEREAS, Mr. Purnell was employed for 12 years with Coca Cola Bottling Company, where he served 10 of those years as Marketing Manager; and

WHEREAS, In 1967, Mr. Purnell began his career at Ada S. McKinley after spending a year as a volunteer; his base of operations for 34 years was a basement level unit in the Dearborn Homes public housing development at 2961 South Dearborn Street on Chicago's South Side; and

WHEREAS, During his tenure at Ada S. McKinley Community Services, Inc., Mr. Purnell instituted programs to get minority youth off the streets, encouraged them to finish high school, and counseled and supported their efforts to enroll in college; he helped over 50,000 young African-American men and women enroll in over 200 colleges and universities throughout the country and increased the retention rate of the students he assisted to well over 50 percent with many continuing on to graduate and professional schools; and

WHEREAS, Mr. Purnell used a "no nonsense" approach to education; he counseled each student based on their academic and professional ambitions and gave them the encouragement, wisdom, and vision to



accomplish their goals; and

WHEREAS, In addition to his duties, Mr. Purnell went beyond the call of duty by helping less advantaged students with anything from busfare to eyeglasses and was available to counsel on issues far beyond the classroom; and

WHEREAS, Silas Purnell served as a member of numerous organizations and volunteer services, including the National Association of College Admission Counselors, past chairman of the Human Relations Committee, member of the Veterans Committee, the Illinois Association of College Admissions Counselors, the National Scholarship and Service Fund for Negro Students, member of the Council for College Attendance, the Pullman Foundation, the Office of the Superintendent of Public Instruction, board member for the Illinois Council for Educational Services, chairman for the National Coordinating Committee for Educational Services, the Illinois State Scholarship Commission, the Midwest Community Council, the National Association for Financial Aid to Minority Students, the Research Triangle Institute, member of the American Personnel and Guidance Association Non-White Concerns Division, the College Entrance Examination Board, member of Midwest Association of Student Financial Aid Opportunity Program Personnel, founder of Principal Scholars Program, Olive Harvey Community College, the Chicago City Colleges Career Center, chairman of the nominating committee for the Chicago City College Board of Trustees, member of the Chicago Urban League, member of the Council of College Attendance, board member of the Boys and Girls Club of Chicago, member of the Illinois Concerned Blacks in Higher Education, member of the Wendell Phillips High School Hall of Fame and Alumni, and member of Mid America Association of Educational Opportunity Program Personnel; and

WHEREAS, In addition, Mr. Purnell provided his time and service to the Illinois Department of Public Aid, the Illinois Board of Higher Education, Operation PUSH and the NAACP; and

WHEREAS, On July 1, 2004, Public Act 93-455, which amends the Higher Education Student Assistance Act and changes the Illinois Incentive for Access Grant Program to the Silas Purnell Illinois Incentive for Access Grant Program, will become effective; and

WHEREAS, Silas Purnell will be remembered as a mentor, role model, and dedicated leader in the community whose determination helped and encouraged thousands of African-American youth to pursue their dreams and ambitions; and

WHEREAS, Mr. Purnell's passing will be deeply felt by many, especially his wife, Marilyn; his four children, Rosalind, Rolinda, Ronald, and Donna Purnell; his six grandchildren; and many other relatives and friends; and

WHEREAS, He was preceded in death by one child; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Silas Purnell along with all who knew and loved him and extend our sincere condolences to his family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Silas Purnell as an expression of our deepest sympathy.

#### HOUSE RESOLUTION 590

Offered by Representative Howard:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with regret of the death of Mary Russell on Friday, October 17, 2003; and

WHEREAS, Mrs. Russell was born on July 24, 1905 in Tate County, Como, Mississippi to Council and Mary Edwards; she was the last surviving of 16 children born to Mr. and Mrs. Edwards; and

WHEREAS, Mrs. Russell was educated in Tate County; she became a resident of Chicago in 1951; she worked as an industrial laborer for Listen Industrial Factory; and

WHEREAS, Mrs. Russell was a member of the Order of the Eastern Star; she was a faithful and willing worker and member of Mount Pleasant Missionary Baptist Church; she was the mother of 8 children, 4 of whom preceded her in death; and

WHEREAS, Mrs. Russell will be remembered as loving grandmother to 44 grandchildren; she gave each grandchild going away to college and each grandchild getting married the gift of a hand made quilt; and

WHEREAS, The passing of Mary Russell has been deeply felt by many, especially her children, Laura Price, Catherine Colvin, Leo Garrett, and A.G. (Katie) Garrett; and her grandchildren, Martha Boyden, Kimberly Colvin, State Representative Marlow Colvin, Milton Colvin, Myron Colvin, A.G. Garrett, Jr.,

Bernard Garrett, Chester Garrett, Jr., Clark Garrett, Deborah Garrett, Dr. Dennis Garrett, Frederick Garrett, Gregory Garrett, Janine Garrett, Joe Garrett, Kenneth Garrett, Melvin Garrett, Norman Garrett, Ronald Garrett, Roy Garrett, Samuel Garrett, Vanessa Garrett, Veradene Garrett, Clarissa Golden, Clara Hester, Katherine Johnson, Sharon Maul, Loretta Minor, Christopher Murrah, Sargent Daniel Murrah, Kevin Nero, Marvin Nero, Karon Ogunedina, Mary Lee Patterson, Andrew Price, Jr., Charles Price, Vincent Price, Yolanda Price-Greene, Minnie Sabati, Marie Thomas, Shirley Ann Thomas, and Margaret Wilson; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that together with her family and friends, we mourn the passing of Mrs. Mary Russell, and we extend our deepest sympathy to them; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Mary Russell as an expression of our deepest sympathy.

#### HOUSE RESOLUTION 591

Offered by Representative Howard:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with great regret of the death of Dr. Andrew Perez on Monday, May 5, 2003; and

WHEREAS, Dr. Perez was born Aristeo Silviano Rios to Mabel Gart and Aristeo Silviano Rios, Sr. in Chicago; his mother died while he was very young and his father in later years; he was adopted while still a child by Mr. and Mrs. Louis Perez; and

WHEREAS, Dr. Perez graduated from Tilden Technical High School in Chicago; he earned a bachelor's degree in mathematics from Roosevelt University in Chicago and received his doctorate in optometry from the Monroe College of Optometry, which later became part of the Illinois College of Optometry; and

WHEREAS, He valiantly served his country as a member of the 44F Class of the All-Black Army Air Force Program, at Tuskegee, Alabama, during World War II; he received his gunnery wings after training in Florida, qualifying him as an original Tuskegee Airman; and

WHEREAS, Dr. Perez married Dr. Bobbie M. Anthony in 1979, although they had met in college 25 years earlier; he taught mathematics and physics at Hyde Park High School, where he was also an assistant principal; he practiced optometry for many years; and

WHEREAS, Dr. Perez was president of the Central City Optometric Society; the first vice president (twice) and the chairperson of the Financial Development Committee of the Chicago "DODO" Chapter of the Tuskegee Airmen, Inc.; and he was the first corresponding secretary and newsletter founder for the Chatham Avalon Park Community Council; he was a member/officer of the Chatham Unit of the American Cancer Society; The Holy Name Society of St. Dorothy Church, where he initiated the Chess Club; the Chicago Astronomical Society; the Madonna della Strada Council 5574 of the Knights of Columbus; the American Legion Dorie Miller Post 915; and the Chatham Business Association; and

WHEREAS, Dr. Perez's passing will be deeply felt by family and friends, especially his loving wife, Bobbie M. Anthony-Perez; his nieces, Roenia and Tatia Gill; his daughter, Freida M. Chapman-Weisenfeld (Irving); his sister-in-law, Fannie M. Hunter; and his numerous other nieces and grand/god children, including Lynetta and Edrene White; Roenia, Joshua, and Leval Gill; Karla Scott; Jay Levit (Natalia); Chad Wiesenfeld; and Etol, Camille, and Ashley Garrison; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the death of Dr. Andrew Perez along with all who knew and loved him and extend our sincere condolences to his family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mrs. Andrew Perez as an expression of our deepest sympathy.

#### HOUSE RESOLUTION 597

Offered by Representative Chapa LaVia:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate Maureen Detzler, who has worked at the same dental office in Aurora for 50 years; and

WHEREAS, Maureen Detzler (nee Wray) was born on September 14, 1915 in Terre Haute, Indiana; at age 17, she began working for Dr. Wayne Carter in South Bend, Indiana; after working for Dr. Carter for five years, she married George "King" Detzler in 1937 and she and King moved to Missouri; and

WHEREAS, Several years later, the family returned to Illinois; in 1954 she began working as dental assistant and bookkeeper for Dr. Roberts, a dentist in Aurora; and

WHEREAS, Dr. Roberts sold his practice to Dr. James Soderstrom and Mrs. Detzler began working for Dr. Soderstrom on June 10, 1974; and

WHEREAS, Mrs. Detzler celebrated her 88th birthday in September of 2003; she still works, drives, and cooks huge meals for the family; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Maureen Detzler for her remarkable achievement of working at the same dental office for 50 years, and we admire her dedication and hard work; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Maureen Detzler as an expression of our respect and esteem.

#### HOUSE RESOLUTION 598

Offered by Representative Chapa LaVia:

WHEREAS, The members of the House of Representatives recognize Bishop William Haven Bonner, founder and Pastor of the Greater Mount Olive Church of God in Christ, for his many years of dedicated service; and

WHEREAS, Bishop Bonner is a Theological Graduate of Moody Bible Institute and received an Honorary Doctor of Divinity degree from Trinity Hall College; and

WHEREAS, Before founding the Greater Mount Olive Church of God in Christ in Aurora, he was Junior Pastor of the Hill Street C.O.G.I.C. in Waukegan and went on to serve in the Pastorate under Bishop Cain Scott, Bishop William Roberts, and Bishop Louis Henry Ford; and

WHEREAS, Bishop Bonner's national church service includes service as former Co-chairman of Finance of the Church of God in Christ, Inc., Chairman of the Budgetary Committee of the Board of Bishops for the Church of God in Christ and Senior Bishop of Illinois, Indiana, Wisconsin, and Iowa Jurisdiction; and

WHEREAS, Bishop Bonner's other service and memberships include: Chairman of the Board of Mary's Mission, Inc., Chairman of the Board of the Bonner Foundation for Community Enhancement, weekly television and radio ministry throughout the Chicagoland area, and regularly providing food, clothing, and shelter for the needy; Greater Mount Olive is a State authorized facility for food disbursement; the Helping Hand Fund lends financial assistance to struggling churches; and Bishop Bonner promotes foster care and supports children and families in crisis and has championed the Greater Mount Olive Prison Ministry; and

WHEREAS, Bishop Bonner has received many awards for his dedication, including being awarded the honor of having Pond Avenue changed to Bonner Avenue in 1980; other awards include the Religious Workers Guild Award; the Lewis University Outstanding Citizen Award; the Henton Academy Outreach Excellence Award; the Arthur Lockhart Resource Institute Humanitarian Award; the J.O. Patterson, Jr. Mayor's Staff Aide de Camp; and Marie Wilkinson's Black Leadership Award; and

WHEREAS, Bishop Bonner is married to Mother Dorothy Mae Bonner and is the father of four children, Enyess Allen (Bishop Edgar Allen, Jr.), Willie Etta Wright (Elder Augustus Wright), Dorothy Jones (Elder Gregory Jones), and Charles Bonner, deceased (Lillian Bonner); therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize Bishop Bonner's outstanding leadership and dedication to his church and community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Bishop William Haven Bonner as an expression of our respect and esteem.

#### HOUSE RESOLUTION 599

Offered by Representative Mendoza:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to thank Reverend José Landaverde for his many contributions to the Latino Union of Chicago; and

WHEREAS, The Latino Union of Chicago is a community-based organization; its central mission is to work with low-income immigrant workers in order to provide the tools necessary to collectively improve their social and economic conditions; since its inception, the Latino Union has worked to develop many community leaders who have moved the immigrant worker struggle forward by volunteering their time in a variety of ways; and

WHEREAS, Reverend Landaverde, a founding member of the Latino Union of Chicago, has served as the Executive Director of the organization and has contributed much to the struggle for worker rights in Chicago and beyond; an immigrant from El Salvador, Reverend Landaverde has worked tirelessly to promote the immigrant worker struggle and the creation of democratic Workers' Centers as a long-term solution to a variety of issues facing Chicago; and

WHEREAS, Reverend Landaverde is stepping down from his position as Executive Director of the Latino Union and will be joining the organization's board of directors as of January 2004; he is being honored for his many contributions at a farewell event on Saturday, December 20, 2003; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we thank Reverend José Landaverde for his many contributions to the Latino Union of Chicago and especially for his work on behalf of immigrant workers; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Reverend José Landaverde as an expression of our respect and esteem.

#### HOUSE RESOLUTION 600

Offered by Representative Pritchard:

WHEREAS, The members of the Illinois House of Representatives are pleased to recognize notable achievements in college football in the State of Illinois; and

WHEREAS, Among the nation's 117 National Collegiate Athletic Association Division 1-A major-college football programs, Northern Illinois tied for the nation's third-best won-lost record this season at 10-2 and ranked in the Top 10; the teams with the top regular-season records were Oklahoma (12-1), Louisiana State (12-1), Miami (Ohio) (12-1), Boise State (12-1), Southern California (11-1), Texas Christian (11-1), Northern Illinois (10-2), Ohio State (10-2), Florida State (10-2), Miami (Florida)(10-2), Michigan (10-2), and Texas (10-2); and

WHEREAS, Northern Illinois University was the first Mid-American Conference football program to beat two Top 25 Bowl Championship Series opponents -- No.13/No.15 Maryland and No. 21 Alabama -- in the same season; the Huskies also set a school record with a third triumph over a BCS program (Iowa State) this year; and

WHEREAS, Northern Illinois led the official 2003 coaches' All-Mid-American Conference team with 10 all-league performers, including a school record seven First-Team All-MAC selections; Miami (Ohio) placed second with nine All-MAC players; NIU also led the MAC West Division in league Player of the Week awards; and

WHEREAS, The Huskies were led through their 2003 season by the nationally distinguished Head Football Coach Joe Novak; and

WHEREAS, Head Coach Novak's efforts to revitalize the Huskies football program have inspired staff, players, and NIU students to embrace the virtues of integrity, loyalty, and respect; these values are echoed with his team's steady ascent into the Mid-American Conference's upper echelon the last four years; and

WHEREAS, Coach Novak was named the 2003 Region 3 Division 1-A Coach of the Year by the American Football Coaches Association and was among 11 candidates for the prestigious 2003 Bobby Dodd National Coach of the Year Award; and

WHEREAS, NIU has four graduating seniors and two coaches in post-season all-star games: Tailback Michael Turner (East-West Shrine Classic and Senior Bowl), cornerback Randee Drew (Las Vegas All-American Classic and Blue-Gray Game), placekicker Steve Azar (Blue-Gray Game and Hula Bowl), strong safety Akil Grant (The Villages Gridiron Classic), plus head coach Joe Novak (Blue-Gray Game), and defensive coordinator Scott Shafer (Blue-Gray Game); and

WHEREAS, Northern Illinois is one of the only two major-college programs this season to feature a

1,500-yard rusher (tailback Michael Turner with 1,648), a 2,500-yard passer (quarterback Josh Haldi with 2,544), and a 1,000-yard receiver (split end P.J. Fleck with 1,028 yards); the other school was Michigan; and

WHEREAS, NIU began the season with five student-athletes mentioned on seven national award "watch lists": tailback Michael Turner (Doak Walker National Runningback Award and Walter Camp Player of the Year Award), center Todd Ghilani (Outland Trophy and Rimington Award), placekicker Steve Azar (Lou Groza National Placekicker Award), linebacker Nick Duffy (Butkus Award), and defensive end Travis Moore (Rotary-Lombardi Award); and

WHEREAS, During the regular season, Northern Illinois tailback Michael "The Burner" Turner was the nation's Number 1 active career rusher and finished Number 13 on the all-time NCAA major-college rushing list with 4,941 career yards; he is the Number 2 all-time rusher in the Mid-American history and Number 1 in the NIU record book; and

WHEREAS, NIU senior split end P.J. Fleck was named to the 2003 College Sports Information Directors of America Second-Team Academic All-America squad; during the season, he was the USA Today.com National Player of the Week for his record-setting performance vs. Ohio (14 receptions for an NIU-record 234 yards and one touchdown); and

WHEREAS, NIU senior tailback Michael Turner was named to the 2003 The Sporting News Second-Team All-America, 2003 Associated Press Second-Team All-America and 2003 CNN-Sports Illustrated Second-Team All-America squads; the frosh offensive tackle Doug Free was named to the 2003 The Sporting News Third-Team Frosh All-America unit; and Steve Azar was named to the 2003 Collegefootballnews.com Honorable Mention All-American Team; and

WHEREAS, Northern Illinois established a new home attendance record, averaging 23,575 spectators per game in seven home dates this season; NIU had three sellout crowds on Brigham Field at Huskie Stadium this year, Maryland (28,018), Iowa State (28,218), and Homecoming versus Western Michigan (28,221); and

WHEREAS, Assistant Coaches for the 2003 Huskies are Scott Shafer, Matt Canada, Bill Bleil, DeAndre Smith, Sam Pittman, Greg Bower, George McDonald, Mike Sabock, and Denny Doornbos; support personnel are Phil Voorhis, Dick Townsend, Tim Daoust, Alan Rood, John Hauser, Julie Edwards, and Joyce James; and

WHEREAS, The members of the 2003 Huskies are Chris Acevedo, Aaron Anderson, Brian Atkinson, Steve Azar, Arian Bagheri, Mario Balistreri, Dallas Bassett, Brad Benson, Keenan Blalark, Brent Blaschka, Andre Brown, Charnzie Carey, Jarret Carter, Efrain Cervantes, Foster Chambers, Brad Cieslak, Leonard Cooksey, Curtis Crossley, Adrian Davis, Brandon Davis, Keafta Dokes, Randee Drew, Nick Duffy, Jake Ebenhoch, Joel Ellis, Shea Fitzgerald, P.J. Fleck, Devron Francis, Jason Frank, Doug Free, Anthony Gallagher, Todd Ghilani, Ryan Gilbert, Akil Grant, Josh Haldi, Adriel Hansbro, Alvah Hansbro, A.J. Harris, Jason Hawkins, Lionel Hickenbottom, Joe Hilby, Quince Holman, Phil Horvath, Greg Huebbe, Sam Hurd, Jason Hutton, Frank Irby, Dossie Jennings, Charles Johnson, Javan Lee, Rob Lee, Andy Lothson, Ben Lueck, Pat McCabe, David McDermott, Justin McIntyre, Mychael McKay, Bob McLearen, Aleks Miskov, Travis Moore, Andre Morris, Shedrick Mossman, Lorenzo Nichols, Jake Nordin, Jason Orozco, Mark Orszula, Greg Owens, Dan Passarelli, Keith Perry, Eric Pittman, Shatone Powers, Cas Prime, Jeremy Pugh, Turner Pugh, Pat Raleigh, Aaron Reese, Mark Reiter, Vinson Reynolds, Edgar Rodriguez, Matt Rogers, Chris Salvant, Adam Schroeder, Shaun Schroeder, Kevin Serfort, Dan Sheldon, Deon Smith, Ray Smith, Anthony Spacucello, Kursten Strothman, Nickolas Sykes, Gerard Taylor, Joe Thomas, Jimmy Toussaint, Dennis Tovar, Antonio Tribble, Michael Turner, Zach Ullrich, Dustin Utschig, Brian Van Acker, Jake VerStraete, Robert Wallace, Marlon Watson, Ken West, Martin Wilson, Garrett Wolfe, Seren Woodfork, and Kevin Woods; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Head Coach Joe Novak and the Northern Illinois University Huskies for a successful 2003 season; and be it further

RESOLVED, That suitable copies of this resolution be presented to each of the coaches, staff, and members of the Northern Illinois University football team as an expression of our esteem and with our best wishes for their future success.

#### HOUSE RESOLUTION 601

Offered by Representative Monique Davis:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with regret of the death of Beautye Mitchell on Tuesday, December 16, 2003; and

WHEREAS, Mrs. Mitchell was married for 64 years to Reverend Felton Mitchell Sr., an associate at Bethsaida Baptist Missionary Church; and

WHEREAS, Mrs. Mitchell was a charter member of the Bethsaida Baptist Missionary Church; she worked in the cradle role department, was on the Usher Board, was a Deaconess, and worked in the mission department; she was well-known by the church members and members of her community for her homemade rolls; and

WHEREAS, Mrs. Mitchell was the mother of three children; two of her children preceded her in death; her son, Felton Mitchell, is the personal driver for Senator Margaret Smith; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Mrs. Beautye Mitchell, and we extend our deepest condolences to her family, friends, and all who knew and loved her; and be it further

RESOLVED, That that a suitable copy of this resolution be presented to the family of Mrs. Mitchell as an expression of our sincere sympathy during their time of bereavement.

#### HOUSE RESOLUTION 602

Offered by Representative Cross:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate the Neuqua Valley High School boys soccer team on winning the 2003 IHSA Class 2A State Championship at North Central College in Naperville; and

WHEREAS, The Neuqua Valley Wildcats finished the season with a record of 28 wins, one loss, and one tie; they defeated Moline, Brother Rice, and Rockford (Guilford) to win the championship; the championship match was against Rockford (Guilford) and ended with a score of one to nothing and was the first ever State tournament appearance and championship for the Wildcats; and

WHEREAS, The Wildcats finished the season ranked #10 in the nation by the National Soccer Coaches Association of America; the team is led by Head Coach Jim Johns, Assistant Coaches Dan DiMarco and Joe Krasucki, and Team Manager Sofia Bermudez; and

WHEREAS, The members of the Wildcats are Brad Sommer, Chris Traub, Jason Lopez, Wes Gillespie, Sulav Singh, Brent Madawick, Brett Kohlman, Scott Swanson, Drew DeGurian, Calvin Warren, David Allard, Brian Pawola, Tom Cranmer, Nicholas Coulson, Chris Clark, Matt Savoie, Chris Kammo, Kyle Wulf, Scott Shugh, Kevin Carney, Andrew Monteith, Justin O'Bryan, Greg Yao, and Linden DeGurian; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the members and coaches of the Neuqua Valley High School boys soccer team on winning the 2003 IHSA Class 2A State Championship; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the members and coaches of the Neuqua Valley High School boys soccer team as an expression of our esteem.

#### HOUSE RESOLUTION 603

Offered by Representative Capparelli:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to congratulate Edward J. Moskal on being re-elected President of the Polish National Alliance (PNA); and

WHEREAS, Mr. Moskal was born in Chicago on May 21, 1924 to Sophie (Grzyb) and Joseph Moskal; he attended St. John Cantius School; following his formal education and three years in the United States Army, Mr. Moskal returned home and began his career with the Polish National Alliance, which he joined in 1942; and

WHEREAS, Mr. Moskal married Wanda Sadlik on November 21, 1946; they have one daughter, Pamela; three granddaughters, Joyce, Mary, and Lisa; and three great-grandchildren, Joseph, Jason, and

Jamie; and

WHEREAS, Mr. Moskal was first active in his local lodge, rising through the ranks; he devoted himself to the performance of charitable functions on behalf of ill members; subsequently, he was recording secretary, delegate to his Council 75, Vice-President, and later President of his Council of the Polish National Alliance; and

WHEREAS, In 1963, the PNA Convention delegates chose Mr. Moskal to serve as a National Director; by chairing the finance committee, he earned great respect from his colleagues because the committee's report and recommendations for increased fiscal responsibility laid a foundation for a new approach to lending which continues to be in force today; and

WHEREAS, In 1967, Mr. Moskal was elected National Treasurer of the PNA, a post he held for 20 years; his radical reorganization of the office led to a new management system as well as the improvement of the efficiency of the office; he was instrumental in developing a sound, balanced investment policy which led to a profitable diversification of the multi-million dollar investment portfolio of the PNA; from 1975 until his election to the presidency of the PNA, he also served as Chairman of the Finance and Control Committees; and

WHEREAS, Mr. Moskal's leadership skills and successful performance as an officer led to his being elected President of the Polish National Alliance at a special plenary meeting of the PNA Supervisory Council in October of 1988; three weeks later, he was elected President of the Polish American Congress, an umbrella organization of the American Polonia which unites over 1,200 Polish American organizations throughout the United States and serves as the primary voice of the Polish community on charitable, social, civic, and political matters; and

WHEREAS, Mr. Moskal is also the President of Alliance Printers and Publishers, which publishes Dziennik Zwiaskowy (Polish Daily News) and the bi-weekly Zgoda, which has a circulation of over 200,000; he is also President of Alliance Communications' radio station, WPNA, which is known as the "International Voice of Chicago", features programs in Polish, and includes ten other ethnic groups in its programming; and

WHEREAS, Mr. Moskal served as a member of the Book and Library Advisory Committee at the United States Information Agency, as a member of Governor Edgar's Transition Committee, and as an honorary pallbearer appointed by President George Bush for the return of Ignacy Paderewski's body to Poland; and he was appointed by President Bill Clinton to accompany Vice-President Al Gore for the Ghetto Uprising anniversary ceremonies in Warsaw; and

WHEREAS, As President of the Polish American Congress Charitable Foundation, he has been instrumental in arranging a great variety of ways to assist Poland, especially after the fall of Communism; he is an outspoken supporter of the entry of Poland into NATO; for his efforts for the benefit of Poland, he was awarded the highest civilian honor by President Lech Walesa, the Commander's Cross with Star; in 1997, he was made an Honorary Citizen of the city of Krakow, and the University of Poznan Medical School bestowed the title of Honorary Doctor upon him; the same year, he was granted a private audience with Pope John Paul II to discuss Polish and Polish American matters with the Pope; and

WHEREAS, During his tenure as President of the Polish National Alliance, he has brought such innovations to the PNA as in-house computerized operations and a significant presence on the internet through the organization's websites; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Edward J. Moskal on being re-elected President of the Polish National Alliance; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mr. Moskal as an expression of our respect and esteem and with many thanks for his tireless efforts on behalf of Polish Americans.

#### HOUSE RESOLUTION 604

Offered by Representative Capparelli:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate Cedarhurst Center for the Arts on the occasion of its thirtieth anniversary; and

WHEREAS, Cedarhurst Center for the Arts, located in Mt. Vernon, opened on November 2, 1973; Southern Illinois philanthropists John and Eleanor Mitchell founded Cedarhurst and bequeathed their entire estate, including an outstanding American painting collection, for the enjoyment of residents and visitors

throughout the region; and

WHEREAS, The Center includes Cedarhurst Sculpture Park, the museum's outdoor gallery with over 60 large-scale sculptures, and the Mitchell Museum, which houses contemporary art exhibitions in two galleries, including the Children's Gallery; the permanent collection of Cedarhurst includes works by John Singer Sargent, Mary Cassatt, George Bellows, Thomas Eakins, William Glackens, Robert Henri, Arthur B. Davies, J. Alden Weir, Maurice Predergast, Childe Hassam, and George Luks, among others; and

WHEREAS, The museum works closely with educators to coordinate and integrate arts education programs with school curriculum; tours for gallery exhibitions and Cedarhurst Sculpture Park are available for both children and adults and are conducted by docents and staff; hands-on activities are available for students during the school year and are comprised of a tour and art-related activity; the center offers art classes and workshops such as basketry, china painting, clay, drawing, watercolor, stained glass, and weaving; the museum also sponsors a Craft Fair and a chamber music series; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Cedarhurst Center for the Arts on the occasion of its thirtieth anniversary; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Cedarhurst Center for the Arts as an expression of our esteem and with best wishes for the future.

#### HOUSE RESOLUTION 605

Offered by Representative Bellock:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to thank the Hinsdale Junior Woman's Club for its work supporting the Gus Foundation and its efforts to find a cure and treatment for pediatric brain tumors, the leading cause of cancer-related deaths of children; and

WHEREAS, The Gus Foundation was co-founded in 1995 by Eleanor Evangelides after her 21 month old son, Gus, died from a pediatric brain tumor; the Foundation funds research for pediatric brain tumors through a partnership with the Children's Memorial Medical Center in Chicago; funds raised by the Gus Foundation are critical to furthering that research since pediatric cancers currently only receive three percent of the national funding for cancer research and brain tumor research receives only a portion of that; and

WHEREAS, On February 21, 2004, the Hinsdale Junior Woman's Club will be conducting a major benefit for the Gus Foundation; the celebration will feature speaker Jill Conner Brown, the well-known New York Times best-selling author of the Sweet Potato Queen books; last year, the benefit generated over \$112,000 for the Gus Foundation; and

WHEREAS, The Hinsdale Junior Woman's Club is an affiliate of the General Federation of Woman's Clubs, an international organization, and is dedicated to community improvement by enhancing the lives of others through volunteer service; its purpose is to offer members a network of resources and opportunities while serving as a leader of volunteer and philanthropic service; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we thank the Hinsdale Junior Woman's Club for its work supporting the Gus Foundation; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Hinsdale Junior Woman's Club as an expression of our respect and esteem and with best wishes for a successful benefit.

#### HOUSE RESOLUTION 606

Offered by Representative Black:

WHEREAS, The members of the House of Representatives of the State of Illinois were saddened to learn of the death of Don Lashmet of Catlin on November 22, 2003; and

WHEREAS, Mr. Lashmet, a Winchester native, was a running back at Western Illinois University and was fifth in the nation in receiving among small schools as a senior in 1955; he is still ranked in the WIU top 10 in receiving and scoring, and he was inducted into the Western Illinois Hall of Fame in 1985; and

WHEREAS, He was the football coach at Catlin High School for 20 years; he had a 123-63-3 record and



led the Wolverines to eight East Central Conference championships and eight playoff appearances; he was inducted into the Illinois Football Coaches Association Hall of Fame in 1997; he coached the school's track team to a State championship in the 4x800 meter relay in 1980; he was also a history and physical education teacher; and

WHEREAS, The passing of Don Lashmet will be deeply felt by many, especially his wife, Patricia; his daughters, Kim, Kelley, Kristy, and Katrina; his eight grandchildren; his many friends; and the many young people who benefited from his teaching and leadership; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the death of Don Lashmet along with all who knew and loved him and extend our sincere condolences to his family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Don Lashmet as an expression of our deepest sympathy.

#### HOUSE RESOLUTION 608

Offered by Representative Reitz:

WHEREAS, The members of the Illinois House of Representatives congratulate Richard L. Guebert, Jr., on his election as vice president of the Illinois Farm Bureau; and

WHEREAS, Mr. Guebert is a 1974 graduate of Southern Illinois University; he received a degree in Ag Education and minored in Animal Science; he was president of the SIU Ag Council and was a student representative on the search committee for Dean of the School of Agriculture; and

WHEREAS, Mr. Guebert was raised on a dairy farm and was a herdsman for Indian Farm from 1974 until 1980 when he started farming on his own; which was incorporated as R-N-K Farms, Inc., in 1996; along with his son, Kyle and an employee, Byron Zipfel, Mr. Guebert farms 2,700 acres of corn, soybeans, and wheat; and

WHEREAS, Mr. Guebert has served as an agricultural representative on the Southwestern Illinois Economic Development Commission; and was most recently appointed by the Randolph County Commissioners to chairman of the Prairie du Rocher and Modoc Levee and Drainage District; and

WHEREAS, Mr. Guebert serves as Director of several organizations including, the Lower Kaskaskia Stakeholders, Inc., the Kaskaskia Watershed Association, and Gateway FS; he is the current President of the Randolph County Farm Bureau Board of Directors; he is past director of the Randolph Service Company and has served on the IFB Resolutions Committee and the IFB Coop Task Force; in addition, he is a graduate of 2001 A LOT, and was the IFB Region IV Legislative Appreciation emcee at the DuQuoin Fair; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we thank Richard L. Guebert, Jr. for his efforts to help improve the economic well-being of agriculture in this State and congratulate him on becoming vice president of the Illinois Farm Bureau; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Richard L. Guebert, Jr. as an expression of our respect and esteem.

#### HOUSE RESOLUTION 609

Offered by Representative Dunkin:

WHEREAS, The members of the Illinois House of Representatives were saddened to learn of the death of Etta Moten Barnett of Chicago on January 2, 2004; and

WHEREAS, Ms. Barnett was a trailblazing singer and actress who conquered Hollywood and Broadway before becoming a graceful leader in Chicago's African-American community for decades; and

WHEREAS, She was born November 5, 1901, in Weimer, Texas, she was the only child of the Rev. Freeman F. Moten and Ida Mae Norman, both college graduates; she was 5 when, while singing with a cousin, she realized she had a beautiful voice; her mother decorated a pink-and-white box for her to stand on, and she joined the church choir; and

WHEREAS, The daughter of a Methodist minister in Texas, she had plans for college that were derailed

when she married one of her high school teachers; when the marriage fell apart, her parent's took care of her three young daughters so she could attend the University of Kansas; after graduating at age 30 with a degree in voice and drama, she moved to New York City, where she landed a spot singing with the Eva Jessye Choir; and

WHEREAS, In 1934, she married Claude Barnett, head of the Associated Negro Press; he preceded her in death in 1967; and

WHEREAS, Ms. Barnett rose to prominence in the 1930s with the film "Gold Diggers of 1933" in which Ms. Barnett sang the Depression-era tune "My Forgotten Man"; she later sang the song for President Franklin D. Roosevelt, making her the first African-American artist to perform at the White House; and

WHEREAS, Although her role in "Gold Diggers of 1933" as a widowed housewife was ordinary on its face, it was extraordinary at the time because black actors had been relegated to roles as domestic servants; and

WHEREAS, She was hailed by the press as "The New Negro Woman"; theaters in black communities gave her top billing on marquees, even though her name didn't even appear in the movie's credits; and

WHEREAS, She went on to star on Broadway, travel the world, and play key roles in civic groups; and

WHEREAS, The first film where her name appeared in the credits was 1933's "Flying Down to Rio," which also marked the first pairing of Fred Astaire and Ginger Rogers on the silver screen; she played a Brazilian entertainer and sang "The Carioca," which received an Oscar nomination for best song; and

WHEREAS, The role that made Ms. Barnett a bona fide star, however, didn't come until 1942, when she played "Bess" in the Broadway revival of George Gershwin's "Porgy and Bess"; it was a role Mr. Gershwin had long envisioned for Ms. Barnett, though it didn't fit her she was a contralto, Bess a soprano; but she trained her voice for the role and played the part for a multiyear run; the change to the higher range took its toll, though, and her voice was never the same; and

WHEREAS, Her stature as a civic leader rose after she retired; she held prominent roles with groups including the National Council of Negro Women, the Chicago Lyric Opera, the Field Museum, and the DuSable Museum; and

WHEREAS, The passing of Etta Moten Barnett will be deeply felt by many, especially her daughter, Sue Ish; her five grandchildren; and her three great-grandchildren; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the death of Etta Moten Barnett along with all who knew and loved her and extend our sincere condolences to her family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Etta Moten Barnett as an expression of our deepest sympathy.

#### HOUSE RESOLUTION 610

Offered by Representative Dunkin:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with regret of the death of Dr. Jacob Hudson Carruthers, Jr., of Chicago on Sunday, January 4, 2004; and

WHEREAS, Jacob Hudson Carruthers, Jr. was born February 15, 1930, in Dallas; he excelled academically; following graduation from Phillis Wheatley High School in Houston, Texas, he attended Samuel Houston College in Austin, Texas, where he earned a bachelor's degree; after the Sweatt vs. Painter United States Supreme Court decision in 1950, he along with Heman Marion Sweatt and three other African Americans integrated the University of Texas Law School; jurisprudence, however, was not his calling, and he did not return the following year; in 1951, facing the draft and the Korean War, he volunteered for the United States Air Force; after serving in the Air Force, he enrolled in Texas Southern University where he earned a master's degree in government; and

WHEREAS, His passion for learning and a sense of service led him back to the classroom; from 1961 to 1964, Dr. Carruthers taught at Prairie View College in Texas; after being the first African American to earn a doctorate in political science from the University of Colorado at Boulder, he taught at Kansas State College in Pittsburg, Kansas, for two years; thereafter, his career led him to Chicago, and in 1968, he joined the faculty of the Department of Inner City Studies Education at the Center of Inner City Studies of Northeastern Illinois University, where he taught for 32 years; and

WHEREAS, Dr. Carruthers' leadership pioneered the development of both undergraduate and graduate degrees in Inner City Studies, which influenced the development of hundreds of students who sought

careers working in the urban environment of the inner city; he contributed to the development of the Inner City Studies academic discipline in the United States, and he fostered the Chicago School of African Centered Thought that manifested itself in the community based Communiversity; and

WHEREAS, Serving as a consultant on African centered education to the Chicago Public Schools and other school systems throughout the United States, Dr. Carruthers was influential in the African centered education movement; he was a cofounder of the teacher training program, Teaching About Africa; he was also sought after nationally and internationally as a lecturer on African history; and

WHEREAS, Dr. Carruthers established himself through his work with leading African and African-American scholars in the world through his leadership in the development of a plan to rewrite African history under the aegis of the African World History Project of the Association for the Study of Classical African Civilizations (ASCAC); he was a founding member of the Kemetic Institute and ASCAC; and

WHEREAS, Dr. Carruthers authored several important books that paved the way and provided the framework for the African centered approach to the research and study of Classical African history and African civilization; his works include: Intellectual Warfare (1999), Mdw Ntr (1995), Essays in Ancient Egyptian Studies (1984), and The Irritated Genie (1985); other significant works include Science and Oppression (1972) and African or American (1994); he coedited Reconstructing Kemetic Culture (1990), The African Worldview (1986), and The Preliminary Challenge (1997); many of his works challenged the prevailing ideas in the field of Egyptology as well as the role of African people in the development of civilization in the ancient Nile Valley; and

WHEREAS, In 1981, Dr. Carruthers became the High Priest of the Temple of the African Community of Chicago that was established to meet the spiritual needs of those who sought to practice ancient Nile Valley spirituality; in 1995, Dr. Carruthers was initiated into elderhood in a community ritual at which time he took the name Jedi Shemsu Jehewty (the one who speaks is a follower of Jehewty); and

WHEREAS, The passing of Dr. Jacob Hudson Carruthers, Jr., has been deeply felt by many, especially his wife, Linda (Ifê); his sons, Jacob III, Darnell, and Christopher; his daughter, Tawakalitu Jogunosimi; his niece, Margaret Lee (Georges), who he considered a daughter; his grandchildren, Jacqueline and Jacob IV; his great-grandchildren, Lynon and Makala; his sister, Carol Lee (Charles); his brothers, Riley and Andrew (Willie); and his many nieces, nephews, and cousins; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Dr. Jacob Hudson Carruthers, Jr., who was a distinguished African-American scholar, historian, and researcher; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Dr. Carruthers as an expression of our deepest sympathy during their time of bereavement.

#### HOUSE RESOLUTION 611

Offered by Representative Osterman:

WHEREAS, The members of the Illinois House of Representatives were saddened to learn of the death of Rev. Dean P. Rice of Chicago on December 14, 2003; and

WHEREAS, Father Rice's 45-year tenure as rector of The Church of the Atonement set the record for the longest-held post in the Chicago Episcopal Diocese; and

WHEREAS, Father Rice was born in 1932 to a Methodist family in Danville; he graduated from Georgetown High School in 1950; three years later, he received a bachelor's degree from Millikin University in Decatur; and

WHEREAS, He received a master of divinity degree from Seabury-Western Theological Seminary, an Episcopal seminary in Evanston in 1956; in 1958, he was installed as rector of The Episcopal Church of the Atonement, where he stayed until June of this year; and

WHEREAS, In the 1970s, when the church's Hispanic congregation began to grow, Father Rice helped establish The Parent-Child Latino Center, which offered social services with an emphasis on education; and

WHEREAS, Out of this ministry grew St. Augustine's College, which moved out of the church in 1979, the same year the Hispanic congregation formed the Mission of Cristo Rey; Father Rice served on St. Augustine's governing board from 1980 to 1988; and

WHEREAS, Father Rice was a board member and part owner of Paxton Wholesale Grocery Co., a family-owned business in southern Illinois; he also traveled extensively and boasted a collection of crystal;

and

WHEREAS, The passing of Father Rice will be deeply felt by many, especially his niece, Nanette Rice Mellen; and his nephew, James M. Rice; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Rev. Dean P. Rice along with all who knew and loved him and extend our sincere condolences to his family, friends, and community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Rev. Dean P. Rice as an expression of our deepest sympathy.

### SENATE BILLS ON SECOND READING

SENATE BILL 1705. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 1705 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 5-129.1, 5-132, 5-167.2, 5-167.4, 5-168, 6-111, 6-128, 6-128.2, 6-128.4, 6-142, 6-143, 6-151.1, 6-160, 6-164, 6-165, 6-210.1, 6-211, 6-222, 8-137, 8-150.1, 8-167, 8-172, 8-174, 8-174.1, 8-192, 11-134.1, 11-145.1, 11-163, 11-167, 11-170.1, 11-178, 11-181, 12-133, and 12-149 and adding Sections 6-124.1, 6-141.2, 6-210.2, 6-210.3, 8-138.4, 8-138.5, 8-172.1, 11-133.3, 11-133.4, 12-133.6, and 12-133.7 as follows:

(40 ILCS 5/5-129.1)

Sec. 5-129.1. Withdrawal at mandatory retirement age - amount of annuity.

(a) In lieu of any annuity provided in the other provisions of this Article, a policeman who is required to withdraw from service on or after January 1, 2000 due to attainment of mandatory retirement age and has at least 10 but less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or fraction thereof in excess of 10, but not to exceed a maximum of 48% of average salary.

(b) For the purpose of this Section, "average salary" means the average of the highest 4 consecutive years of salary within the last 10 years of service, or such shorter period as may be used to calculate a minimum retirement annuity under Section 5-132.

(c) For the purpose of qualifying for the annual increases provided in Section 5-167.1, a policeman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

(d) A policeman with less than 20 years of service credit who was required to withdraw from service on or after January 1, 2000 but before June 28, 2002 due to attainment of mandatory retirement age is also entitled to have his or her retirement annuity calculated in accordance with this Section. If payment of the annuity has already begun, the annuity shall be recalculated. The resulting increase, if any, shall accrue from the starting date of the annuity; the amount of the increase relating to the period before the annuity is recalculated shall be paid to the annuitant in a lump sum, without interest.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/5-132) (from Ch. 108 1/2, par. 5-132)

Sec. 5-132. Minimum annuity. Any policeman who withdraws on or after July 8, 1957, or any policeman transferred to the police service of the city under the Exchange of Functions Act of 1957 who withdraws on or after July 17, 1959, after completing at least 20 years of service, for whom the annuity otherwise provided in this Article is less than that stated in this Section has a right to receive annuity as follows:

(a) If he is age 55 or more on withdrawal, his annuity after such withdrawal, shall be equal to 2% of the average salary for 4 consecutive years of highest salaries within the last 10 years of service before withdrawal, for each year of service, together with 1/6 of 1% of such average salary for each complete month of service of each fractional year, but not in excess of 75% of the average annual salary.

(b) If he is age 50 or more but less than age 55 on withdrawal, his annuity shall be equal to 2% of the average salary for the 4 highest consecutive years of the last 10 years of service for each year of service, together with 1/16 of 1% of such average salary for each month of each fractional year of service, reduced by 1/2 of 1% for each month that he is less than age 55.

(c) If he is less than age 50 on withdrawal, he may, upon attainment of age 50 or over, become entitled to the annuity provided in this Section or, he may, upon application before age 50, receive a refund of the deductions from salary, plus interest at 1 1/2% per annum if he is entitled to refund under Section 5-163.

(d) In lieu of the annuity provided in the foregoing provisions of this Section 5-132 any policeman who withdraws from the service after December 31, 1973, after having attained age 53 in the service with 23 or more years of service credit shall be entitled to an annuity computed as follows if such annuity is greater than that provided in the foregoing paragraphs of this Section 5-132: An annuity equal to 50% of the average salary for the 4 highest consecutive years of the last 10 years of service plus additional annuity equal to 2% of such average salary for each completed year of service or fraction thereof rendered after his attainment of age 53 and the completion of 23 years of service.

Any policeman who has completed 23 years of service prior to his attainment of age 53 in the service and continues in the service until his attainment of age 53 shall have added to his annuity, computed as provided in the immediately preceding paragraph, an additional annuity equal to 1% of such average salary for each completed year of service or fraction thereof in excess of 23 years up to age 53.

(e) In lieu of the annuity provided in the foregoing provisions of this Section any policeman who withdraws from the service either (i) after December 31, 1983 with at least 22 years of service credit and having attained age 52 in the service, or (ii) after December 31, 1984 with at least 21 years of service credit and having attained age 51 in the service, or (iii) after December 31, 1985 with at least 20 years of service credit and having attained age 50 in the service, or (iv) after December 31, 1990, with at least 20 years of service credit regardless of age, shall be entitled to an annuity to begin not earlier than upon attainment of age 50 if under such age at withdrawal, computed as follows: an annuity equal to 50% of the average salary for the 4 highest consecutive years of the last 10 years of service, plus additional annuity equal to 2% of such average salary for each completed year of service or fraction thereof rendered after his completion of the minimum number of years of service required for him to be eligible under this subsection (e). In lieu of any annuity provided in the foregoing provisions of this Section, any policeman who withdraws from the service after December 31, 2003, with at least 20 years of service credit regardless of age, shall be entitled to an annuity to begin not earlier than upon attainment of age 50, if under that age at withdrawal, equal to 2.5% of the average salary for the 4 highest consecutive years of the last 10 years of service for each completed year of service or fraction thereof. However, the annuity provided under this subsection (e) may not exceed 75% of such average salary.

(f) A policeman withdrawing after September 1, 1969, may, in addition, be entitled to the benefits provided by Section 5-167.1 of this Article if he so qualifies under that Section.

If, on withdrawal, total service is less than 20 years, the policeman shall not be entitled to an annuity under this Section but may receive an annuity under the other provisions of this Article or, if entitled thereto under Section 5--163, a refund of the deductions from salary, including, in the case of policemen transferred to the police service of the city under the Exchange of Functions Act of 1957, the additional contribution paid on salary received from August 1, 1957, to July 17, 1959, as provided in the Park Policemen's Annuity Act, together with interest at 1 1/2% per annum.

Moneys voluntarily contributed under the Policemen's Annuity and Benefit Fund Act of the Illinois Municipal Code, or the Park Policemen's Annuity Act, shall be refunded to the contributing policemen who were in service on January 1, 1954, or in the case of policemen transferred to the police service of the city under the Exchange of Functions Act of 1957, who were in service on July 17, 1959.

The age and service annuity formula in this Section shall not apply to any policeman who, having retired before July 8, 1957, or before July 17, 1959, in the case of a policeman transferred under the provisions of the Exchange of Functions Act of 1957, re-enters the police service after such dates, whichever are applicable.

(Source: P.A. 86-1488.)

(40 ILCS 5/5-167.2) (from Ch. 108 1/2, par. 5-167.2)

Sec. 5-167.2. Retirement before September 1, 1967. A retired policeman, qualifying for minimum annuity or who retired from service with 20 or more years of service, before September 1, 1967, shall, in January of the year following the year he attains the age of 65, or in January of the year 1970, if then more than 65 years of age, have his then fixed and payable monthly annuity increased by an amount equal to 2% of the original grant of annuity, for each year the policeman was in receipt of annuity payments after the year in which he attains, or did attain the age of 63. An additional 2% increase in such then fixed and payable original granted annuity shall accrue in each January thereafter. Beginning January 1, 1986, the rate of such increase shall be 3% instead of 2%.

The provisions of the preceding paragraph of this Section apply only to a retired policeman eligible for

such increases in his annuity who contributes to the Fund a sum equal to \$5 for each full year of credited service upon which his annuity was computed. All such sums contributed shall be placed in a Supplementary Payment Reserve and shall be used for the purposes of such Fund account.

Beginning with the monthly annuity payment due in July, 1982, the fixed and granted monthly annuity payment for any policeman who retired from the service, before September 1, 1976, at age 50 or over with 20 or more years of service and entitled to an annuity on January 1, 1974, shall be not less than \$400. It is the intent of the General Assembly that the change made in this Section by this amendatory Act of 1982 shall apply retroactively to July 1, 1982.

Beginning with the monthly annuity payment due on January 1, 1986, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1986, at age 50 or over with 20 or more years of service, or any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1986, shall be not less than \$475.

Beginning with the monthly annuity payment due on January 1, 1992, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1992, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1992, shall be not less than \$650.

Beginning with the monthly annuity payment due on January 1, 1993, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1993, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1993, shall be not less than \$750.

Beginning with the monthly annuity payment due on January 1, 1994, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1994, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1994, shall be not less than \$850.

Beginning with the monthly annuity payment due on January 1, 2004, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2004, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2004, shall be not less than \$950.

Beginning with the monthly annuity payment due on January 1, 2005, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2005, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2005, shall be not less than \$1,050.

The difference in amount between the original fixed and granted monthly annuity of any such policeman on the date of his retirement from the service and the monthly annuity provided for in the immediately preceding paragraph shall be paid as a supplement in the manner set forth in the immediately following paragraph.

To defray the annual cost of the increases indicated in the preceding part of this Section, the annual interest income accruing from investments held by this Fund, exclusive of gains or losses on sales or exchanges of assets during the year, over and above 4% a year shall be used to the extent necessary and available to finance the cost of such increases for the following year and such amount shall be transferred as of the end of each year beginning with the year 1969 to a Fund account designated as the Supplementary Payment Reserve from the Interest and Investment Reserve set forth in Section 5-207.

In the event the funds in the Supplementary Payment Reserve in any year arising from: (1) the interest income accruing in the preceding year above 4% a year and (2) the contributions by retired persons are insufficient to make the total payments to all persons entitled to the annuity specified in this Section and (3) any interest earnings over 4% a year beginning with the year 1969 which were not previously used to finance such increases and which were transferred to the Prior Service Annuity Reserve, may be used to the extent necessary and available to provide sufficient funds to finance such increases for the current year and such sums shall be transferred from the Prior Service Annuity Reserve. In the event the total money available in the Supplementary Payment Reserve from such sources are insufficient to make the total payments to all persons entitled to such increases for the year, a proportionate amount computed as the ratio of the money available to the total of the total payments specified for that year shall be paid to each person for that year.

The Fund shall be obligated for the payment of the increases in annuity as provided for in this Section only to the extent that the assets for such purpose are available.

(Source: P.A. 91-357, eff. 7-29-99.)

(40 ILCS 5/5-167.4) (from Ch. 108 1/2, par. 5-167.4)

Sec. 5-167.4. Widow annuitant minimum annuity.

(a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$700 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1995.

Notwithstanding any other provision of this Article, beginning January 1, 1999, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$800 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1998.

Notwithstanding any other provision of this Article, beginning January 1, 2004, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$900 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

Notwithstanding any other provision of this Article, beginning January 1, 2005, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$1,000 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(b) Effective January 1, 1994, the minimum amount of widow's annuity shall be \$700 per month for the following classes of widows, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1993: (1) the widow of a policeman who dies in service with at least 10 years of service credit, or who dies in service after June 30, 1981; and (2) the widow of a policeman who withdraws from service with 20 or more years of service credit and does not withdraw a refund, provided that the widow is married to the policeman before he withdraws from service.

(c) The city, in addition to the contributions otherwise made by it under the other provisions of this Article, shall make such contributions as are necessary for the minimum widow's annuities provided under this Section in the manner prescribed in Section 5-175.

(Source: P.A. 89-12, eff. 4-20-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

Sec. 5-168. Financing.

(a) Except as expressly provided in this Section, the city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund.

The tax shall be at a rate that will produce a sum which, when added to the amounts deducted from the policemen's salaries and the amounts deposited in accordance with subsection (g), is sufficient for the purposes of the fund.

For the years 1968 and 1969, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce, when extended, not to exceed \$9,700,000. Beginning with the year 1970 and each year thereafter the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an amount not to exceed the total amount of contributions by the policemen to the Fund made in the calendar year 2 years before the year for which the applicable annual tax is levied, multiplied by 1.40 for the tax levy year 1970; by 1.50 for the year 1971; by 1.65 for 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975 through 1981; by 2.00 for 1982 and for each year thereafter.

(b) The tax shall be levied and collected in like manner with the general taxes of the city, and is in addition to all other taxes which the city is now or may hereafter be authorized to levy upon all taxable property therein, and is exclusive of and in addition to the amount of tax the city is now or may hereafter be authorized to levy for general purposes under any law which may limit the amount of tax which the city may levy for general purposes. The county clerk of the county in which the city is located, in reducing tax levies under Section 8-3-1 of the Illinois Municipal Code, shall not consider the tax herein authorized as a part of the general tax levy for city purposes, and shall not include the tax in any limitation of the percent of the assessed valuation upon which taxes are required to be extended for the city.

(c) On or before January 10 of each year, the board shall notify the city council of the requirement that the tax herein authorized be levied by the city council for that current year. The board shall compute the amounts necessary for the purposes of this fund to be credited to the reserves established and maintained within the fund; shall make an annual determination of the amount of the required city contributions; and shall certify the results thereof to the city council.

As soon as any revenue derived from the tax is collected it shall be paid to the city treasurer of the city and shall be held by him for the benefit of the fund in accordance with this Article.

(d) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants against the tax levy for the current fiscal year.

(e) The various sums, including interest, to be contributed by the city, shall be taken from the revenue derived from such tax or otherwise as expressly provided in this Section. Any moneys of the city derived from any source other than the tax herein authorized shall not be used for any purpose of the fund nor the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(f) If it is not possible or practicable for the city to make its contributions at the time that salary deductions are made, the city shall make such contributions as soon as possible thereafter, with interest thereon to the time it is made.

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the tax levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of that tax.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003; ~~\$4,200,000 in 2004; \$3,780,000 in 2005; \$3,360,000 in 2006; \$2,940,000 in 2007; \$2,520,000 in 2008; \$2,100,000 in 2009; \$1,680,000 in 2010; \$1,260,000 in 2011; \$840,000 in 2012; and \$420,000 in 2013.~~

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(Source: P.A. 89-12, eff. 4-20-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-111) (from Ch. 108 1/2, par. 6-111)

Sec. 6-111. Salary. "Salary": Subject to Section 6-211, the annual salary of a fireman, as follows:

(a) For age and service annuity, minimum annuity, and disability benefits, the actual amount of the annual salary, except as otherwise provided in this Article. ;

(b) For prior service annuity, widow's annuity, widow's prior service annuity and child's annuity to and including August 31, 1957, the amount of the annual salary up to a maximum of \$3,000; ;

(c) Except as otherwise provided in Section 6-141.1, for widow's annuity, beginning September 1, 1957, the amount of annual salary up to a maximum of \$6,000.

(d) "Salary" means the actual amount of the annual salary attached to the permanent career service rank held by the fireman, except as provided in subsection (e).

(e) In the case of a fireman who holds an exempt position above career service rank:

(1) For the purpose of computing employee and city contributions, "salary" means the actual salary attached to the exempt rank position held by the fireman.

(2) For the purpose of computing benefits: "salary" means the actual salary attached to the exempt rank position held by the fireman, if (i) the contributions specified in Section 6-211 have been made, (ii) the fireman has held one or more exempt positions for at least 5 consecutive years and has held the rank of battalion chief or field officer for at least 5 years during the exempt period, and (iii) the fireman was born before 1955; otherwise, "salary" means the salary attached to the permanent career service rank held by the fireman, as provided in subsection (d).

(f) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, and for any prior periods for which contributions have been paid under subsection (g) of this Section, all salary payments made to any active or former fireman who holds or previously held the permanent assigned position or classified career service rank, grade, or position of ambulance commander shall be included as salary for all purposes under this Article.

(g) Any active or former fireman who held the permanent assigned position or classified career service rank, grade, or position of ambulance commander may elect to have the full amount of the salary attached



to that permanent assigned position or classified career service rank, grade, or position included in the calculation of his or her salary for any period during which the fireman held the permanent assigned position or classified career service rank, grade, or position of ambulance commander by applying in writing and making all employee and employer contributions, without interest, related to the actual salary payments corresponding to the permanent assigned position or classified career service rank, grade, or position of ambulance commander for all periods beginning on or after January 1, 1995. All applicable contributions must be paid in full to the Fund before January 1, 2006 before the payment of any benefit under this subsection (g) will made made.

Any former fireman or widow of a fireman who (i) held the permanent assigned position or classified career service rank, grade, or position of ambulance commander, (ii) is in receipt of annuity on the effective date of this amendatory Act of the 93rd General Assembly, and (iii) pays to the Fund contributions under this subsection (g) for salary payments at the permanent assigned position or classified career service rank, grade, or position of ambulance commander shall have his or her annuity recalculated to reflect the ambulance commander salary and the resulting increase shall become payable on the next annuity payment date following the date the contribution is received by the Fund.

In the case of an active or former fireman who (i) dies before January 1, 2006 without making an election under this subsection and (ii) was eligible to make an election under this subsection at the time of death (or would have been eligible had the death occurred after the effective date of this amendatory Act), any surviving spouse, child, or parent of the fireman who is eligible to receive a benefit under this Article based on the fireman's salary may make that election and pay the required contributions on behalf of the deceased fireman. If the death occurs within the 30 days immediately preceding January 1, 2006, the deadline for application and payment is extended to January 31, 2006.

Any portion of the compensation received for service as an ambulance commander for which the corresponding contributions have not been paid shall not be included in the calculation of salary.

(h) Beginning January 1, 1999, with respect to a fireman who is licensed by the State as an Emergency Medical Technician, references in this Article to the fireman's salary or the salary attached to or appropriated for the permanent assigned position or classified career service rank, grade, or position of the fireman shall be deemed to include any additional compensation payable to the fireman by virtue of being licensed as an Emergency Medical Technician, as provided under a collective bargaining agreement with the city.

(i) Beginning on the effective date of this amendatory Act of the 93rd General Assembly (and for any period prior to that date for which contributions have been paid under subsection (i) of this Section), the salary of a fireman, as calculated for any purpose under this Article, shall include any duty availability pay received by the fireman (i) pursuant to a collective bargaining agreement or (ii) pursuant to an appropriation ordinance in an amount equivalent to the amount of duty availability pay received by other firemen pursuant to a collective bargaining agreement, and references in this Article to the salary attached to or appropriated for the permanent assigned position or classified career service rank, grade, or position of the fireman shall be deemed to include that duty availability pay.

(j) An active or former fireman who received duty availability pay at any time after December 31, 1994 and before the effective date of this amendatory Act of the 93rd General Assembly and who either (1) retired during that period or (2) had attained age 46 and at least 16 years of service by the effective date of this amendatory Act may elect to have that duty availability pay included in the calculation of his or her salary for any portion of that period for which the pay was received, by applying in writing and paying to the Fund, before January 1, 2006, the corresponding employee contribution, without interest.

In the case of an applicant who is receiving an annuity at the time the application and contribution are received by the Fund, the annuity shall be recalculated and the resulting increase shall become payable on the next annuity payment date following the date the contribution is received by the Fund.

In the case of an active or former fireman who (i) dies before January 1, 2006 without making an election under this subsection and (ii) was eligible to make an election under this subsection at the time of death (or would have been eligible had the death occurred after the effective date of this amendatory Act), any surviving spouse, child, or parent of the fireman who is eligible to receive a benefit under this Article based on the fireman's salary may make that election and pay the required contribution on behalf of the deceased fireman. If the death occurs within the 30 days immediately preceding January 1, 2006, the deadline for application and payment is extended to January 31, 2006.

Any duty availability pay for which the corresponding employee contribution has not been paid shall not be included in the calculation of salary.

(k) The changes to this Section made by this amendatory Act of the 93rd General Assembly are not

limited to firemen in service on or after the effective date of this amendatory Act.

(Source: P.A. 83-1362.)

(40 ILCS 5/6-124.1 new)

Sec. 6-124.1. Withdrawal at compulsory retirement age - amount of annuity.

(a) In lieu of any annuity provided in the other provisions of this Article, a fireman who is required to withdraw from service due to attainment of compulsory retirement age and has at least 10 but less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or remaining fraction thereof in excess of 10, but not to exceed a maximum of 50% of average salary.

(b) For the purpose of this Section, "average salary" means the average of the fireman's highest 4 consecutive years of salary within the last 10 years of service.

(c) For the purpose of qualifying for the annual increases provided in Section 6-164, a fireman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

(40 ILCS 5/6-128) (from Ch. 108 1/2, par. 6-128)

Sec. 6-128. (a) A future entrant who withdraws on or after July 21, 1959, after completing at least 23 years of service, and for whom the annuity otherwise provided in this Article is less than that stated in this Section, has a right to receive annuity as follows:

If he is age 53 or more on withdrawal, his annuity after withdrawal, shall be equal to 50% of his average salary ~~determined by striking an average of 4 consecutive highest years of salary within the last 10 years of service immediately preceding the date of withdrawal.~~

An employee who reaches compulsory retirement age and who has less than 23 years of service shall be entitled to a minimum annuity equal to an amount determined by the product of (1) his years of service and (2) 2% of his average salary ~~for the 4 consecutive highest years of salary within the last 10 years of service immediately prior to his reaching compulsory retirement age.~~

An employee who remains in service after qualifying for annuity under this Section shall have added to this annuity an additional 1% of average salary for each completed year of service or fraction thereof rendered until July 21, 1959, and an additional 1% for a total of 2% of average salary from July 21, 1959. Each future entrant who has completed 23 years of service before reaching age 53 shall have added to this annuity 1% of average salary for each completed year of service or fraction thereof in excess of 23 years up to age 53. ~~"Salary" as referred to in this paragraph shall be determined by striking an average of the 4 consecutive highest years of salary within the last 10 years of service immediately preceding withdrawal.~~

(b) In lieu of the annuity provided in the foregoing provisions of this Section any future entrant who withdraws from the service either (i) after December 31, 1983 with at least 22 years of service credit and having attained age 52 in the service, or (ii) after December 31, 1984 with at least 21 years of service credit and having attained age 51 in the service, or (iii) after December 31, 1985 with at least 20 years of service credit and having attained age 50 in the service, or (iv) after December 31, 1990 with at least 20 years of service regardless of age, may elect to receive an annuity, to begin not earlier than upon attainment of age 50 if under that age at withdrawal, computed as follows: an annuity equal to 50% of ~~the~~ average salary ~~for the 4 highest consecutive years of the last 10 years of service~~, plus additional annuity equal to 2% of ~~such~~ average salary for each completed year of service or fraction thereof rendered after his completion of the minimum number of years of service required for him to be eligible under this subsection (b). However, the annuity provided under this subsection (b) may not exceed 75% of ~~such~~ average salary.

(c) In lieu of the annuity provided in any other provision of this Section, a future entrant who withdraws from service after the effective date of this amendatory Act of the 93rd General Assembly with at least 20 years of service may elect to receive an annuity, to begin no earlier than upon attainment of age 50 if under that age at withdrawal, equal to 50% of average salary plus 2.5% of average salary for each completed year of service or fraction thereof over 20, but not to exceed 75% of average salary.

(d) For the purpose of this Section, "average salary" means the average of the highest 4 consecutive years of salary within the last 10 years of service.

(Source: P.A. 86-1488.)

(40 ILCS 5/6-128.2) (from Ch. 108 1/2, par. 6-128.2)

Sec. 6-128.2. Minimum retirement annuities.

(a) Beginning with the monthly payment due in January, 1988, the monthly annuity payment for any person who is entitled to receive a retirement annuity under this Article in January, 1990 and has retired from service at age 50 or over with 20 or more years of service, and for any person who retires from service on or after January 24, 1990 at age 50 or over with 20 or more years of service, shall not be less than \$475 per month. The \$475 minimum annuity is exclusive of any automatic annual increases provided by

Sections 6-164 and 6-164.1, but not exclusive of previous raises in the minimum annuity as provided by any Section of this Article.

Beginning January 1, 1992, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$650 per month.

Beginning January 1, 1993, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$750 per month.

Beginning January 1, 1994, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$850 per month.

Beginning January 1, 2004, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$950 per month.

Beginning January 1, 2005, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be \$1,050 per month.

The minimum annuities established by this subsection (a) do include previous raises in the minimum annuity as provided by any Section of this Article, but do not include any sums which have been added or will be added to annuity payments by the automatic annual increases provided by Sections 6-164 and 6-164.1. Such annual increases shall be paid in addition to the minimum amounts specified in this subsection.

(b) Notwithstanding any other provision of this Article, beginning January 1, 1990, the minimum retirement annuity payable to any person who is entitled to receive a retirement annuity under this Article on that date shall be \$475 per month.

(c) ~~The changes made to this Section by this amendatory Act of the 93rd General Assembly shall apply to all persons receiving a retirement annuity under this Article, without regard to whether the retirement of the fireman occurred prior to the effective date of this amendatory Act of 1993.~~

(Source: P.A. 86-273; 86-1027; 86-1028; 86-1475; 87-849; 87-1265.)

(40 ILCS 5/6-128.4) (from Ch. 108 1/2, par. 6-128.4)

Sec. 6-128.4. Minimum widow's annuities.

(a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is \$700 per month, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of 1995.

(b) Notwithstanding Section 6-128.3, beginning January 1, 1994, the minimum widow's annuity under this Article shall be \$700 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(c) Notwithstanding Section 6-128.3, beginning January 1, 1999, the minimum widow's annuity under this Article shall be \$800 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(d) Notwithstanding Section 6-128.3, beginning January 1, 2004, the minimum widow's annuity under this Article shall be \$900 per month for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(e) Notwithstanding Section 6-128.3, beginning January 1, 2005, the minimum widow's annuity under this Article shall be \$1,000 per month for all persons receiving widow's annuities on or after that date, without regard to whether the deceased fireman is in service on or after the effective date of this

amendatory Act of the 93rd General Assembly.

(Source: P.A. 89-136, eff. 7-14-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-141.2 new)

Sec. 6-141.2. Minimum annuity for certain widows. Notwithstanding the other provisions of this Article, the widow's annuity payable to the widow of a fireman who dies on or after July 1, 1997 while an active fireman with at least 10 years of creditable service shall be no less than 50% of the retirement annuity that the deceased fireman would have been eligible to receive if he had attained age 50 and 20 years of service on the day before his death and retired on that day. In the case of a widow's annuity that is payable on the effective date of this amendatory Act of the 93rd General Assembly, the increase provided by this Section, if any, shall begin to accrue on the first annuity payment date following that effective date.

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

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

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

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

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

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

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

(e) A wife whose marriage was dissolved or widow of a fireman whose judgment of dissolution of marriage from her fireman husband is annulled, vacated or set aside by proceedings in court subsequent to the death of the fireman, unless (1) such proceedings are filed within 5 years after the date of the dissolution of marriage and within one year after the death of the fireman and (2) the board is made a party to the proceedings;

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

(B) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, the limitation on marriage after withdrawal under subdivision (A)(b) and the limitation on marriage during disability under subdivision (A)(f) no longer apply to a widow who was married to the deceased fireman before the fireman begins to receive a retirement annuity and for at least one year immediately preceding the date of death, regardless of whether the deceased fireman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly; except that this subsection (B) does not apply to the widow of a fireman who received a refund of contributions for widow's annuity under Section 6-160, unless the refund is repaid to the Fund, with interest at the rate of 4% per year, compounded annually, from the date of the refund to the date of repayment. If the widow of a fireman who died before the effective date of this amendatory Act becomes eligible for a widow's annuity because of this amendatory Act, the annuity shall begin to accrue on the date of application for the annuity, but in no event sooner than the effective date of this amendatory Act.

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

(40 ILCS 5/6-143) (from Ch. 108 1/2, par. 6-143)

Sec. 6-143. Widow's remarriage.

(a) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, a widow's annuity shall no longer be subject to termination or suspension under this Section due to remarriage. Any widow's annuity that was previously terminated or suspended under this Section by reason of remarriage shall, upon application, be resumed as of the date of the application, but in no event sooner than the effective date of this amendatory Act. The resumption shall not be retroactive. This subsection (a) applies regardless of whether or not the deceased fireman was in service on or after the effective date of this amendatory Act.

(b) This subsection (b) does not apply on or after the effective date of this amendatory Act of the 93rd General Assembly.

Any annuity granted to a widow who remarries on or after December 31, 1989 shall be suspended when

she remarries, unless (i) she remarries after attaining the age of 60 regardless of whether or not the deceased fireman was in service on or after the effective date of this amendatory Act of 1995 or (ii) she has been granted a Section 6-140 annuity as the widow of a fireman killed in performance of duty. An annuity suspended under this Section shall, upon application, be resumed if the subsequent marriage ends by dissolution of marriage, declaration of invalidity of marriage, or the death of the husband; this resumption shall not be retroactive.

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

Any widow's annuity that was previously terminated by reason of remarriage prior to December 31, 1989 or suspended shall, upon application, be resumed, as of the date of the application, if the subsequent marriage ended by dissolution of marriage, declaration of invalidity of marriage, or the death of the husband, regardless of whether or not the deceased fireman was in service on the effective date of this amendatory Act of 1995; this resumption shall not be retroactive.

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

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

(40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

Sec. 6-151.1. The General Assembly finds and declares that service in the Fire Department requires that firemen, in times of stress and danger, must perform unusual tasks; that by reason of their occupation, firemen are subject to exposure to great heat and to extreme cold in certain seasons while in performance of their duties; that by reason of their employment firemen are required to work in the midst of and are subject to heavy smoke fumes, and carcinogenic, poisonous, toxic or chemical gases from fires; and that in the course of their rescue and paramedic duties firemen are exposed to disabling infectious diseases, including AIDS, hepatitis C, and stroke. The General Assembly further finds and declares that all the aforementioned conditions exist and arise out of or in the course of such employment.

Any active fireman who has completed 7 ~~ten~~ or more years of service and is unable to perform his duties in the Fire Department by reason of heart disease, tuberculosis, ~~or~~ any disease of the lungs or respiratory tract, AIDS, hepatitis C, or stroke resulting ~~solely~~ from his service as a fireman, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he does not have a right to receive salary.

Any active fireman who has completed 7 ~~ten~~ or more years of service and is unable to perform his duties in the fire department by reason of a disabling cancer, which develops or manifests itself during a period while the fireman is in the service of the department, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he does not have a right to receive salary. In order to receive this occupational disease disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation or a known carcinogen as defined by the International Agency for Research on Cancer.

Any fireman who shall enter the service after the effective date of this amendatory Act shall be examined by one or more practicing physicians appointed by the Board, and if that said ~~that~~ examination discloses impairment of the heart, lungs, or respiratory tract, or the existence of AIDS, hepatitis C, stroke, or any cancer, ~~then the such~~ fireman shall not be entitled to receive an occupational disease disability benefit unless and until a subsequent examination reveals no such impairment, AIDS, hepatitis C, stroke, or cancer.

The occupational disease disability benefit shall be 65% of the fireman's salary at the time of his removal from the Department payroll. However, beginning January 1, 1994, no occupational disease disability benefit that has been payable under this Section for at least 10 years shall be less than 50% of the current salary attached from time to time to the rank and grade held by the fireman at the time of his removal from the Department payroll, regardless of whether that removal occurred before the effective date of this amendatory Act of 1993.

Such fireman also shall have a right to receive child's disability benefit of \$30 per month on account of each unmarried child who is less than 18 years of age or handicapped, dependent upon the fireman for support, and either the issue of the fireman or legally adopted by him. The total amount of child's disability benefit payable to the fireman, when added to his occupational disease disability benefit, shall not exceed 75% of the amount of salary which he was receiving at the time of the grant of occupational disease disability benefit.

The first payment of occupational disease disability benefit or child's disability benefit shall be made not later than one month after the benefit is granted. Each subsequent payment shall be made not later than one month after the date of the latest payment.

Occupational disease disability benefit shall be payable during the period of the disability until the fireman reaches the age of compulsory retirement. Child's disability benefit shall be paid to such a fireman during the period of disability until such child or children attain age 18 or marry, whichever event occurs first; except that attainment of age 18 by a child who is so physically or mentally handicapped as to be dependent upon the fireman for support, shall not render the child ineligible for child's disability benefit. The fireman thereafter shall receive such annuity or annuities as are provided for him in accordance with other provisions of this Article.

(Source: P.A. 88-528.)

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

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

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

(40 ILCS 5/6-164) (from Ch. 108 1/2, par. 6-164)

Sec. 6-164. Automatic annual increase; retirement after September 1, 1959.

(a) A fireman qualifying for a minimum annuity who retires from service after September 1, 1959 shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, ~~1955~~ 1945) or over on that anniversary date, or upon the first of the month following his attainment of age 60 (age 55 if born before January 1, ~~1955~~ 1945) if that occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning July 1, 1982 for firemen born before January 1, 1930, and beginning January 1, 1990 for firemen born after December 31, 1929 and before January 1, 1940, and beginning January 1, 1996 for firemen born after December 31, 1939 but before January 1, 1945, and beginning January 1, 2004, for firemen born after December 31, 1944 but before January 1, 1955, such increases shall be 3% and such firemen shall not be subject to the 30% maximum increase.

Any fireman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of 1995 apply beginning January 1, 1996 and apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act of 1995.

Any fireman born before January 1, 1955 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2004 is entitled to receive the initial increase under this subsection on (1) January 1, 2004, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 93rd General Assembly apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

(c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1959, from each payment of salary to a fireman, 1/8 of 1% of each such salary payment and an additional 1/8 of 1% beginning on September 1, 1961, and September 1, 1963, respectively, concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

Each such additional 1/8 of 1% deduction from salary which shall, on September 1, 1963, result in a total increase of 3/8 of 1% of salary, shall be credited to the Automatic Increase Reserve, to be used, together with city contributions as provided in this Article, to defray the cost of the 1 1/2% annuity increments

herein specified. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

The salary deductions provided in this Section are not subject to refund, except to the fireman himself, in any case in which a fireman withdraws prior to qualification for minimum annuity and applies for refund, or applies for annuity, and also where a term annuity becomes payable. In such cases, the total of such salary deductions shall be refunded to the fireman, without interest, and charged to the aforementioned reserve.

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

(40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)

Sec. 6-165. Financing; tax.

(a) Except as expressly provided in this Section, each city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund. For the years prior to the year 1960, the tax rate shall be as provided for in the "Firemen's Annuity and Benefit Fund of the Illinois Municipal Code". The tax, from and after January 1, 1968 to and including the year 1971, shall not exceed .0863% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the city. Beginning with the year 1972 and each year thereafter the city shall levy a tax annually at a rate on the dollar of the value, as equalized or assessed by the Department of Revenue of all taxable property within such city that will produce, when extended, not to exceed an amount equal to the total amount of contributions by the employees to the fund made in the calendar year 2 years prior to the year for which the annual applicable tax is levied, multiplied by 2.23 through the calendar year 1981, and by 2.26 for the year 1982 and for each year thereafter.

To provide revenue for the ordinary death benefit established by Section 6-150 of this Article, in addition to the contributions by the firemen for this purpose, the city council shall for the year 1962 and each year thereafter annually levy a tax, which shall be in addition to and exclusive of the taxes authorized to be levied under the foregoing provisions of this Section, upon all taxable property in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient to produce for each year the sum of \$142,000.

The amounts produced by the taxes levied annually, together with the deposit expressly authorized in this Section, shall be sufficient, when added to the amounts deducted from the salaries of firemen and applied to the fund, to provide for the purposes of the fund.

(b) The taxes shall be levied and collected in like manner with the general taxes of the city, and shall be in addition to all other taxes which the city may levy upon all taxable property therein and shall be exclusive of and in addition to the amount of tax the city may levy for general purposes under Section 8-3-1 of the Illinois Municipal Code, approved May 29, 1961, as amended, or under any other law or laws which may limit the amount of tax which the city may levy for general purposes.

(c) The amounts of the taxes to be levied in each year shall be certified to the city council by the board.

(d) As soon as any revenue derived from such taxes is collected, it shall be paid to the city treasurer and held for the benefit of the fund, and all such revenue shall be paid into the fund in accordance with the provisions of this Article.

(e) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants, against the tax levies herein authorized for the current fiscal year.

(f) The various sums, hereinafter stated, including interest, to be contributed by the city, shall be taken from the revenue derived from the taxes or otherwise as expressly provided in this Section. Except for defraying the cost of administration of the fund during the calendar year in which a city first attains a population of 500,000 and comes under the provisions of this Article and the first calendar year thereafter, any money of the city derived from any source other than these taxes or the sale of tax anticipation warrants shall not be used to provide revenue for the fund, nor to pay any part of the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the taxes levied

under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of those taxes.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; ~~and \$4,620,000 in 2003; \$4,200,000 in 2004; \$3,780,000 in 2005; \$3,360,000 in 2006; \$2,940,000 in 2007; \$2,520,000 in 2008; \$2,100,000 in 2009; \$1,680,000 in 2010; \$1,260,000 in 2011; \$840,000 in 2012; and \$420,000 in 2013.~~

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(Source: P.A. 89-136, eff. 7-14-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-210.1) (from Ch. 108 1/2, par. 6-210.1)

Sec. 6-210.1. Credit for former employment with the fire department.

(a) Any fireman who (1) accumulated service credit in the Article 8 fund for service as an employee of the Chicago Fire Department and (2) has terminated that Article 8 service credit and received a refund of contributions therefor, may establish service credit in this Fund for all or any part of that period of service under the Article 8 fund by making written application to the Board by January 1, 2000 and paying to this Fund (i) employee contributions based upon the actual salary received and the rates in effect for members of this Fund at the time of such service, plus (ii) interest thereon calculated as follows:

(1) For applications received by the Board before July 14, ~~the effective date of this amendatory Act of 1995~~, interest shall be calculated

on the amount of employee contributions determined under item (i) above, at the rate of 4% per annum, compounded annually, from the date of termination of such service to the date of payment.

(2) For applications received by the Board on or after July 14, ~~the effective date of this amendatory Act of 1995~~, interest shall be

calculated on the amount of employee contributions determined under item (i) above, at the rate of 4% per annum, compounded annually, from the first date of the period for which credit is being established under this subsection (a) to the date of payment.

(b) A fireman who, at any time during the period 1970 through 1983, was an employee of the Chicago Fire Department but did not participate in any pension fund subject to this Code with respect to that employment may establish service credit in this Fund for all or any part of that employment by making written application to the Board by January 1, ~~2005~~ 2000 and paying to this Fund (i) employee contributions based upon the actual salary received and the rates in effect for members of this Fund at the time of that employment, plus (ii) interest thereon calculated at the rate of 4% per annum, compounded annually, from the first date of the employment for which credit is being established under this subsection (b) to the date of payment.

(c) A fireman may pay the contributions required for service credit under this Section established on or after July 14, ~~the effective date of this amendatory Act of 1995~~ in the form of payroll deductions, in accordance with such procedures and limitations as may be established by Board rule and any applicable rules or ordinances of the employer.

(d) Employer contributions shall be transferred as provided in Sections 6-210.2 and 8-172.1. The employer shall not be responsible for making any additional employer contributions for any credit established under this Section.

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

(40 ILCS 5/6-210.2 new)

Sec. 6-210.2. City contributions for paramedics. Municipality credits computed and credited under Article 8 for all firemen who (1) accumulated service credit in the Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are participants in this Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be transferred by the Article 8 fund to this Fund, together with interest at the rate of 11% per annum, compounded annually, to the date of the transfer, as provided in Section 8-172.1 of this Code. These city contributions shall be credited to the individual fireman only if he or she pays for prior service as a paramedic in full to this Fund.

(40 ILCS 5/6-210.3 new)

Sec. 6-210.3. Payments and rollovers.



(a) The Board may adopt rules prescribing the manner of repaying refunds and purchasing any other credits permitted under this Article. The rules may prescribe the manner of calculating interest when payments or repayments are made in installments.

(b) Rollover contributions from other retirement plans qualified under the Internal Revenue Code of 1986 may be used to purchase any optional credit or repay any refund permitted under this Article.

(40 ILCS 5/6-211) (from Ch. 108 1/2, par. 6-211)

Sec. 6-211. Permanent and temporary positions; exempt positions above career service rank.

(a) Except as specified in subsection (b), no annuity, pension or other benefit shall be paid to a fireman or widow, under this Article, based upon any salary paid by virtue of a temporary appointment, and - all contributions, annuities and benefits shall be related to the salary which attaches to the permanent position of the fireman.

Any fireman temporarily serving in a position or rank other than that to which he has received permanent appointment shall be considered, while so serving, as though he were in his permanent position or rank, except that no increase in any pension, annuity or other benefit hereunder shall accrue to him by virtue of any service performed by him subsequent to attaining the compulsory retirement age provided by law or ordinance.

This Section ~~does shall~~ not apply to any person certified to the fire department by the civil service commission of the city, during the period of probationary service.

A fireman who holds a position at the will of the Fire Commissioner or other appointing authority, whether or not such position is an "exempt" position, shall be deemed to hold a temporary position, ~~and such employee's contributions and benefits shall be based upon the employee's permanent career service salary. The provisions of this paragraph shall be retroactive to January 1, 1976.~~

(b) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, for service in an exempt position above career service rank, employee contributions shall be based on the actual full salary attached to the exempt rank position held by the fireman.

For service in an exempt position above career service rank, benefit computations under this Article shall be based on the actual full salary attached to the exempt rank position held by the fireman if and only if:

(1) employee contributions have been paid on the actual full salary attached to the exempt rank position held by the fireman for all service on or after January 1, 1994 in an exempt position above career service rank;

(2) the fireman has held one or more exempt positions for at least 5 consecutive years (or, in the case of a fireman who retired due to attainment of compulsory retirement age before December 1, 2003, held one or more exempt positions for a consecutive period of at least 3 years and 9 months and made the payment required under subsection (c) for a period of at least 5 years) and has held the rank of battalion chief or field officer for at least 5 years (at least 3 years and 9 months in the case of a fireman who retired due to attainment of compulsory retirement age before December 1, 2003) during the exempt period; and

(3) the fireman was born before 1955.

(c) For service prior to the effective date of this amendatory Act of the 93rd General Assembly in an exempt position above career service rank for which contributions have been paid only on the salary attached to the fireman's permanent career service rank, a fireman may make the contributions required under subsection (b) by paying to the Fund before the later of the date of retirement or 6 months after the effective date of this amendatory Act, but in no event later than July 1, 2005, an amount equal to the difference between the employee contributions actually made for that service and the employee contributions that would have been made based on the actual full salary attached to the exempt rank position held by the fireman on or after January 1, 1994, plus interest thereon at the rate of 4% per year, compounded annually, from the date of the service to the date of payment (or to the date of retirement if retirement is before the effective date of this amendatory Act). In the case of a fireman who retired in an exempt rank position after January 1, 1994 and before January 1, 1999 and in the case of a fireman who retired due to attaining compulsory retirement age before December 1, 2003, the payment under this subsection (c) shall be for a period of at least 5 years.

If a fireman dies while eligible to make the contributions required under subsection (b) but before the contributions are paid, the fireman's widow may elect to make the contributions.

(d) Subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly apply to a fireman who retires (or becomes disabled) on or after January 1, 1994. In the case of a benefit payable on the effective date of this amendatory Act, the resulting increase in benefit shall begin to accrue with the first benefit payment period commencing after the required contributions are paid.

(e) If a fireman or his survivors do not qualify to have benefits computed on the full amount of salary received for service in an exempt position as provided in subsection (b), benefits shall be computed on the basis of the salary attached to the permanent career service rank, and a refund of any employee contributions paid on the difference between the actual salary and the salary attached to the permanent career service rank shall be payable to the fireman upon termination of service, or to the fireman's widow or estate upon the fireman's death.

(f) The tax levy computed under Section 6-165 shall be based on employee contributions, including the payments of employee contributions under subsections (a), (b), and (c) of this Section 6-211.

(g) The city shall pay to the Fund on an annual basis, in addition to the usual city contributions, an amount at least equal to the sum of (1) the increase in normal cost resulting from subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly, plus (2) amortization (over a period of 30 years from the effective date of this amendatory Act) of the initial unfunded liability resulting from subsection (e) of Section 6-111 and the changes made to this Section by this amendatory Act of the 93rd General Assembly. The payment required under this subsection shall be no less than \$400,000 per year. Payment shall begin with the first calendar year commencing after the effective date of this amendatory Act and shall be in addition to the tax levy otherwise calculated under Section 6-165. The city may increase that tax levy by the amount of the payment required under this subsection, or it may utilize any funds appropriated for this purpose.

(Source: P.A. 83-16.)

(40 ILCS 5/6-222) (from Ch. 108 1/2, par. 6-222)

Sec. 6-222. Administrative review.

(a) The provisions of the Administrative Review Law, and all amendments and modifications thereof and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the retirement board hereunder. The term "administrative decision" is as defined in Section 3-101 of the Code of Civil Procedure.

(b) If any fireman whose application for either a duty disability benefit under Section 6-151 or for an occupational disease disability benefit under Section 6-151.1 has been denied by the Retirement Board brings an action for administrative review challenging the denial of disability benefits and the fireman prevails in the action in administrative review, then the prevailing fireman shall be entitled to recover from the Fund court costs and litigation expenses, including reasonable attorney's fees, as part of the costs of the action.

(Source: P.A. 82-783.)

(40 ILCS 5/8-137) (from Ch. 108 1/2, par. 8-137)

Sec. 8-137. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1959 and before January 1, 1987, having attained age 60 or more, shall, in January of the year after the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%, and beginning with January of the year 1984 such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1959 and before January 1, 1987, but before age 60, shall receive such increases beginning in January of the year after the year in which he attains age 60.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, ~~the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and ~~who~~ has not received an increase under subsection (a) shall be increased by 3%, and the ~~such~~ annuity shall be increased by an additional 3% of the current payable monthly annuity, including any ~~such~~ increases previously granted under this Article, on the same date each year thereafter. The increases provided under this

subsection are in lieu of the increases provided in subsection (a).

(a-6) Notwithstanding the provisions of subsections (a) and (a-5), for all calendar years following the year in which this amendatory Act of the 93rd General Assembly takes effect, an increase in annuity under this Section that would otherwise take effect at any time during the year shall instead take effect in January of that year.

(b) Subsections (a), ~~and (a-5)~~, and (a-6) are not applicable to an employee retiring and receiving a term annuity, as herein defined, nor to any otherwise qualified employee who retires before he makes employee contributions (at the 1/2 of 1% rate as provided in this Act) for this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with January, 1960, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance in such account at the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such additional employee contributions are not refundable, except to an employee who withdraws and applies for refund under this Article, and in cases where a term annuity becomes payable. In such cases his contributions shall be refunded, without interest, and charged to such account in the prior service annuity reserve.

(Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 8-26-02.)

(40 ILCS 5/8-138.4 new)

Sec. 8-138.4. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, an employee must:

(1) have been a contributor to the Fund who (i) on October 15, 2003, was in active payroll status as an employee; (ii) returns to active payroll status from an approved leave of absence prior to December 15, 2003; (iii) on October 15, 2003, is receiving ordinary or duty disability benefits under Section 8-160 or 8-161; or (iv) has been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

(3) file with the Board on or before January 30, 2004, a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) by the date of withdrawal or by February 29, 2004, whichever is earlier, have attained age 50 with at least 10 years of creditable service in this Fund, without including any creditable service established under this Section, and a total of at least 70 combined years of age and creditable service, without including any creditable service established under this Section, in one or more of the participating systems under the Retirement Systems Reciprocal Act.

A person is not eligible for the benefits provided in this Section if the person (i) elects to receive the alternative annuity for city officers under Section 8-243.2, or (ii) elects to receive a retirement annuity calculated under the alternative formula formerly set forth in Section 20-122.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible employee may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (d). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for determination of eligibility for automatic annual increases under Sections 8-137 and 8-137.1. Furthermore, an eligible employee must establish at least the amount of age and creditable service necessary to bring his or her age and total creditable service, including service in this Fund, service established under this Section, and service in any of the other participating systems under the Retirement Systems Reciprocal Act, to a minimum that will satisfy the requirements of Section 8-138.

The creditable service under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of average annual salary and the determination of salary, earnings, or compensation under this or any other Article of this Code.

(c) An eligible employee shall be entitled to have his or her retirement annuity calculated in accordance with the formula provided in Section 8-138, except that the annuity shall not be subject to reduction because of withdrawal or commencement of the annuity before attainment of age 60.

(d) For each month of creditable service established under this Section, the employee must pay to the Fund an employee contribution, to be calculated by the Fund, equal to 4.25% of the member's monthly salary rate on October 15, 2003. The employee may elect to pay the entire contribution before the retirement annuity commences, or to have it deducted from the annuity over a period not longer than 24 months. If the retired employee dies before the contribution has been paid in full, the unpaid installments may be deducted from any annuity or other benefit payable to the employee's survivors.

All employee contributions paid under this Section shall not be deemed contributions made by employees for annuity purposes under Section 8-173, and shall be made and credited to a special reserve, without interest. Employee contributions paid under this Section may be refunded under the same terms and conditions as are applicable to other employee contributions for retirement annuity.

(e) Notwithstanding Section 8-165, an annuitant who reenters service under this Article after receiving a retirement annuity based on benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and shall have his or her retirement annuity recalculated at the appropriate time without the benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/8-138.5 new)

Sec. 8-138.5. Early retirement incentive for employees who have earned maximum pension benefits.

(a) A person who is eligible for the benefits provided under Section 8-138.4 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 8-138.4, may elect, by filing written election with the Fund by January 30, 2004, to receive a lump sum from the Fund equal to 100% of his or her salary on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (b), if applicable). If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 8-138 shall be reduced by an amount equal to the actuarial equivalent of the lump sum.

(b) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(40 ILCS 5/8-150.1) (from Ch. 108 1/2, par. 8-150.1)

Sec. 8-150.1. Minimum annuities for widows. The widow (otherwise eligible for widow's annuity under other Sections of this Article 8) of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of this Article is less than the amount provided in this Section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained the age of 60 or more years

on such date if the death occurs before July 1, 1990, or age 55 or more if the death occurs on or after July 1, 1990, or age 50 or more if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936 or dies in service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after July 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained the age of 60 or more years if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained the age of 60 or more years on the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 or more if retirement occurs on or after July 1, 1990, or age 50 or more if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936 or withdraws from service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former municipal employee receiving an annuity from the fund on August 9, 1965 or on the effective date of this amendatory provision, who re-enters service as a municipal employee, unless such employee

renders at least 3 years of additional service after the date of re-entry.

(d) In computing the amount of annuity which the husband specified in the foregoing paragraphs (a) and (b) of this Section would have been entitled to receive, or received, such amount shall be the annuity to which such husband would have been, or was entitled, before reduction in the amount of his annuity for the purposes of the voluntary optional reversionary annuity provided for in Section 8-139 of this Article, if such option was elected.

(e) (Blank).

(f) (Blank).

(g) The amendatory provisions of this amendatory Act of 1985 relating to annuity discount because of age for widows of employees born before January 1, 1936, shall apply only to qualifying widows of employees withdrawing or dying in service on or after July 18, 1985.

(h) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be \$800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (h) shall not be limited by any other Section of this Act.

(i) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (i) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (j) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (j) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(k) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (k) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate

from the date of the refund to the date of repayment.

(l) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service on or after January 1, 2002 (regardless of whether that death in service occurs prior to at least 60 days after the effective date of this amendatory Act of the 93rd 92nd General Assembly ) with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/8-167) (from Ch. 108 1/2, par. 8-167)

Sec. 8-167. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who (i) re-enters service of the employer and serves for periods comprising at least 90 days 2-years after the date of the last refund paid to him or (ii) has completed at least 2 years of service under a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund after the date of the last refund, shall have his annuity rights restored by compliance with the following provisions:

(a) After that 90 day or such 2 year period, whichever applies, he shall repay in full to the fund, while in service, in full all refunds received, together with interest at the effective rate from the dates of refund to the date of repayment. ~~;~~

(b) If payment is not made in a single sum, the repayment may be made in installments by deductions from salary or otherwise in such manner and amounts and manner as the board, by rule, may prescribe, with interest at the effective rate accruing on unpaid balances. ~~;~~

(c) If the employee withdraws from service or dies in service before full repayment is made, service credit shall be restored in accordance with Section 8-230.3(b).

(d) If the employee repays the refund while participating in a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund, the service credit restored must be used for a proportional annuity calculated in accordance with the Retirement Systems Reciprocal Act. If not so used, the restored service credit shall be forfeited and the amount of the repayment shall be refunded, without interest. ~~such rights shall not be restored, but the amount, including interest, repaid by him, but without any further interest otherwise normally credited, shall be refunded to him or to his widow, or in the manner provided by the refund provisions of this Article if no widow survives.~~

This Section applies also to any person who received a refund from any annuity and benefit fund or pension fund which was merged into and superseded by the annuity and benefit fund provided for in this Article on or after December 31, 1959. Upon repayment such person shall receive credit for all annuity purposes in the annuity and benefit fund provided for in this Article for the period of service covered by the repayment such refund.

The amount of refund repayment is considered as salary deductions for age and service annuity and widow's annuity purposes in the case of a male person. In the latter case the amount of refund repayment is allocated in the applicable proportion for age and service and widow's annuity purposes. Such person shall also be credited with city contributions for age and service annuity, and widow's annuity if a male employee, in the amount which would have been credited and accrued if such person had been a participant in and contributor to the annuity and benefit fund provided for in this Article during the period of such service on the basis of his salary during such period.

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

(40 ILCS 5/8-172) (from Ch. 108 1/2, par. 8-172)

Sec. 8-172. Refunds - Transfer of city contributions. Whenever any amount is refunded as provided in Sections 8-168 and 8-169, except in the case of a male employee who becomes a widower while in service after he becomes age 65, the amounts to the credit of the male employee from contributions by the city; shall be transferred to the prior service annuity reserve. Thereafter except as otherwise provided in Section 8-172.1, any such amounts shall become a credit to the city and, with interest thereon at the effective rate, be used to reduce the amount which the city would otherwise pay during a succeeding year.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/8-172.1 new)

Sec. 8-172.1. Transfer of city contributions for paramedics.

(a) Municipality credits computed and credited under this Article 8 for all persons who (1) accumulated service credit in this Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are participants in the Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be transferred by this Article 8 fund to the Article 6 fund together with interest at the rate of 11% per annum, compounded annually, to the date of transfer. The city shall not be responsible for making any additional employer contributions to the Fund to replace the amounts transferred under this Section.

(b) Municipality credits computed and credited under this Article 8 for all persons who (1) accumulated service credit in this Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are not participants in the Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be used as provided in Section 8-172.

(40 ILCS 5/8-174) (from Ch. 108 1/2, par. 8-174)

Sec. 8-174. Contributions for age and service annuities for present employees and future entrants. (a) Beginning on the effective date and prior to July 1, 1947, 3 1/4%; and beginning on July 1, 1947 and prior to July 1, 1953, 5%; and beginning July 1, 1953, and prior to January 1, 1972, 6%; and beginning January 1, 1972, 6-1/2% of each payment of the salary of each present employee and future entrant shall be contributed to the fund as a deduction from salary for age and service annuity.

Such deductions beginning on the effective date and prior to July 1, 1947 shall be made for a future entrant while he is in the service until he attains age 65 and for a present employee while he is in the service until the amount so deducted from his salary with the amount deducted from his salary or paid by him according to law to any municipal pension fund in force on the effective date with interest on both such amounts at 4% per annum equals the sum that would have been to his credit from sums deducted from his salary if deductions at the rate herein stated had been made during his entire service until he attained age 65 with interest at 4% per annum for the period subsequent to his attainment of age 65. Such deductions beginning July 1, 1947 shall be made and continued for employees while in the service.

(b) Concurrently with each employee contribution beginning on the effective date and prior to July 1, 1947 the city shall contribute 5 3/4%; and beginning on July 1, 1947 and prior to July 1, 1953, 7%; and beginning July 1, 1953, 6% of each payment of such salary until the employee attains age 65. Notwithstanding any provision of this subsection (b) to the contrary, the city shall not make a contribution for any credit established by an employee under subsection (b) of Section 8-138.4.

(c) Each employee contribution made prior to the date the age and service annuity for an employee is fixed and each corresponding city contribution shall be credited to the employee and allocated to the account of the employee for whose benefit it is made.

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

(40 ILCS 5/8-174.1) (from Ch. 108 1/2, par. 8-174.1)

Sec. 8-174.1. Employer contributions on behalf of employees.

(a) The employer may make and may incur an obligation to make contributions on behalf of its employees in an amount not to exceed the employee contributions required by Sections 8-137, 8-161, 8-174, 8-182 and 8-182.1 for all salary earned after December 31, 1981. If such employee contributions are not made or an obligation to make such contributions is not incurred by the employer on behalf of its employees, the amount that could have been contributed shall continue to be deducted from salary. If employee contributions are made by the employer on behalf of its employees, they shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code; however, each city shall continue to withhold Federal and State income taxes based upon these contributions until the Internal Revenue Service or the Federal courts rule that pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer may make these contributions on behalf of its employees by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. The employer shall pay these employee contributions from the same source of funds used in paying salary to the employee or, if the employer is a Board of Education, it may also or alternatively pay such contributions in whole or in part from the proceeds of the pension contribution liability tax authorized by Section 34-60.1 of the School Code, as amended. If such a tax is levied with respect to any fiscal year of a Board of Education, that portion of the contributions to be paid by the Board of Education on behalf of its employees for that fiscal year from the proceeds of such a tax shall not be due and payable



into the Fund until the collection, in the calendar year following the calendar year in which such levy was made, of the actual tax bills extending the second installment of real estate taxes for the Board of Education for that calendar year, pursuant to Section 21-30 of the Property Tax Code, and such Board of Education shall not be required to pay those contributions to be paid from the proceeds of such a tax into the Fund except as collected from the extension of the actual tax bills. If employee contributions are made by the employer on behalf of its employees, they shall be treated for all purposes of this Article 8, including Section 8-173, in the same manner and to the same extent as employee contributions made by employees and deducted from salary; provided, however, that contributions which are made by a Board of Education on behalf of its employees shall not be treated as a pension or retirement obligation of the Board of Education for purposes of Section 12 of "An Act in relation to State revenue sharing with local governmental entities", approved July 31, 1969, as amended. For purposes of Section 8-173, contributions made by a Board of Education on behalf of its employees shall be treated as contributions made by or on behalf of employees to the Fund for the fiscal year for which the Board of Education incurred the obligation to make such contributions.

(b) Subject to the requirements of federal law and the rules of the Board, the Fund may allow the employee to elect to have the employer make on behalf of the employee the optional contributions that the employee has elected to pay to the Fund, and the contributions so made on the employee's behalf shall be treated as employer contributions for the purpose of determining federal tax treatment. The employer shall make contributions on behalf of an employee by a reduction in the cash salary of the employee and shall pay contributions from the same source of funds that is used to pay earnings of the employee. The election to have the contributions made on the employee's behalf is irrevocable, and the optional contributions may not thereafter be prepaid, by direct payment or otherwise.

If the provision authorizing the optional contribution requires payment by a stated date (rather than the date of withdrawal or retirement), the requirement will be deemed to have been satisfied if (i) on or before the stated date the employee executes a valid irrevocable election to have the contributions made on his or her behalf under this subsection, and (ii) the contributions made on his or her behalf are in fact paid to the Fund as provided in the election.

If employee contributions are made by the employer on the employee's behalf under this subsection, they shall be treated for all purposes of this Article 8, including Section 8-173, in the same manner and to the same extent as optional employee contributions made prior to the date made on the employee's behalf.

(Source: P.A. 88-670, eff. 12-2-94.)

(40 ILCS 5/8-192) (from Ch. 108 1/2, par. 8-192)

Sec. 8-192. Board created. A board of 5 members shall constitute a Board of Trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Municipal Employees', Officers', and Officials' Annuity and Benefit Fund of the city, or for the sake of brevity may also be known and referred to as the Retirement Board of the Municipal Employees' Annuity and Benefit Fund of such city. The board shall consist of the city comptroller, the city treasurer, and 3 members who shall be employees, to be elected as follows:

Within 30 days after the effective date, the mayor of the city shall arrange for and hold an election.

One employee shall be elected for a term ending on the first day in the month of December of the first year next following the effective date; one for a term ending December 1st of the following year; and one for a term ending on December 1st of the second following year.

The city comptroller, with the approval of the board, may appoint a designee from among employees of the city who are versed in the affairs of the comptroller's office to act in the absence of the comptroller on all matters pertaining to administering the provisions of this Article.

The members of a Retirement Board of a municipal employees', officers', and officials' annuity and benefit fund holding office in a city at the time this Article becomes effective, including elective and ex-officio members, shall continue in office until the expiration of their terms and until their respective successors are elected or appointed and have qualified.

An employee member who takes advantage of the early retirement incentives provided under this amendatory Act of the 93rd General Assembly may continue as a member until the end of his or her term.

(Source: P.A. 85-964.)

(40 ILCS 5/11-133.3 new)

Sec. 11-133.3. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, an employee must:

(1) have been a contributor to the Fund who (i) on October 15, 2003, was in active payroll status as an employee; (ii) returns to active payroll status from an approved leave of absence prior to December 15,

2003; (iii) on October 15, 2003, is receiving ordinary or duty disability benefits under Section 11-155 or 11-156 or (iv) has been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

(3) file with the Board on or before January 30, 2004, a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) by the date of withdrawal or by January 31, 2004, whichever is earlier, have attained age 50 with at least 10 years of creditable service in this Fund, without including any creditable service established under this Section, and a total of at least 70 combined years of age and creditable service, without including any creditable service established under this Section, in one or more of the participating systems under the Retirement Systems Reciprocal Act.

A person is not eligible for the benefits provided in this Section if the person elects to receive a retirement annuity calculated under the alternative formula formerly set forth in Section 20-122.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible employee may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (d). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for determination of eligibility for automatic annual increases under Sections 11-134.1 and 11-134.3. Furthermore, an eligible employee must establish at least the amount of age and creditable service necessary to bring his or her age and total creditable service, including service in this Fund, service established under this Section, and service in any of the other participating systems under the Retirement Systems Reciprocal Act, to a minimum that will satisfy the requirements of Section 11-134.

The creditable service under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of average annual salary and the determination of salary, earnings, or compensation under this or any other Article of this Code.

(c) An eligible employee shall be entitled to have his or her retirement annuity calculated in accordance with the formula provided in Section 11-134, except that the annuity shall not be subject to reduction because of withdrawal or commencement of the annuity before attainment of age 60.

(d) For each month of creditable service established under this Section, the employee must pay to the Fund an employee contribution, to be calculated by the Fund, equal to 4.25% of the member's monthly salary rate on October 15, 2003. The employee may elect to pay the entire contribution before the retirement annuity commences, or to have it deducted from the annuity over a period not longer than 24 months. If the retired employee dies before the contribution has been paid in full, the unpaid installments may be deducted from any annuity or other benefit payable to the employee's survivors.

All employee contributions paid under this Section shall not be deemed contributions made by employees for annuity purposes under Section 11-169, and shall be made and credited to a special reserve, without interest. Employee contributions paid under this Section may be refunded under the same terms and conditions as are applicable to other employee contributions for retirement annuity.

(e) Notwithstanding Section 11-161, an annuitant who reenters service under this Article after receiving a retirement annuity based on benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and shall have his or her retirement annuity recalculated at the appropriate time without the benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/11-133.4 new)

Sec. 11-133.4. Early retirement incentive for employees who have earned maximum pension benefits.

(a) A person who is eligible for the benefits provided under Section 11-133.3 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her

highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 11-133.3, may elect, by filing a written election with the Fund by January 30, 2004, to receive a lump sum from the Fund equal to 100% of his or her salary on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (b), if applicable). If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 11-134 shall be reduced by an amount equal to the actuarial equivalent of the lump sum.

(b) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(40 ILCS 5/11-134.1) (from Ch. 108 1/2, par. 11-134.1)

Sec. 11-134.1. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1963, and before January 1, 1987, having attained age 60 or more, shall, in the month of January of the year following the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning January, 1984, such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1963 and before January 1, 1987, but prior to age 60, shall receive such increases beginning with January of the year immediately following the year in which he attains the age of 60 years.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, ~~the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and ~~who~~ has not received an increase under subsection (a) shall be increased by 3%, and the ~~such~~ annuity shall be increased by an additional 3% of the current payable monthly annuity, including any ~~such~~ increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(a-6) Notwithstanding the provisions of subsections (a) and (a-5), for all calendar years following the year in which this amendatory Act of the 93rd General Assembly takes effect, an increase in annuity under this Section that would otherwise take effect at any time during the year shall instead take effect in January of that year.

(b) Subsections (a), ~~and (a-5)~~ and (a-6) are not applicable to an employee retiring and receiving a term annuity, as defined in this Article, nor to any otherwise qualified employee who retires before he shall have made employee contributions (at the 1/2 of 1% rate as hereinafter provided) for the purposes of this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with the month of January, 1964, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional employee contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments.

Any balance as of the beginning of each calendar year existing in such account shall be credited with interest at the rate of 3% per annum.

Such employee contributions shall not be subject to refund, except to an employee who resigns or is discharged and applies for refund under this Article, and also in cases where a term annuity becomes payable.

In such cases the employee contributions shall be refunded him, without interest, and charged to the aforementioned account in the prior service annuity reserve.

(Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 8-26-02.)

(40 ILCS 5/11-145.1) (from Ch. 108 1/2, par. 11-145.1)

Sec. 11-145.1. Minimum annuities for widows.

The widow otherwise eligible for widow's annuity under other Sections of this Article 11, of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of said Article 11 is less than the amount hereinafter provided in this section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained age 60 on or before such date if the death occurs before July 1, 1990, or age 55 if the death occurs on or after July 1, 1990, or age 50 if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), the widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936, or dies in service on or after January 1, 1988, or 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained age 60 if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained age 60 on or before the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 if retirement occurs on or after July 1, 1990, or age 50 if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), this widow's annuity shall not, however, exceed the sum of \$500 a month if the employee's death occurs before January 23, 1987. The widow's annuity shall not be

limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936, or withdraws from service on or after January 1, 1988, or 0.5% for each month that her then attained age was less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former employee receiving an annuity from the fund on August 2, 1965 or on the effective date of this amendatory provision, who re-enters service as a former employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) (Blank).

(e) (Blank).

(f) The amendments to this Section by this amendatory Act of 1985, relating to changing the discount because of age from 1/2 of 1% to 0.25% per month for widows of employees born before January 1, 1936, shall apply only to qualifying widows whose husbands die while in the service on or after August 16, 1985 or withdraw and enter on annuity on or after August 16, 1985.

(g) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be \$800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (g) shall not be limited by any other Section of this Act.

(h) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988.

However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (h) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(i) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (i) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (i) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (j) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(k) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service on or after January 1, 2002 (regardless of whether that death in service occurs prior to at least 60 days after the effective date of this amendatory Act of the 93rd 92nd General Assembly ) with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/11-163) (from Ch. 108 1/2, par. 11-163)

Sec. 11-163. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who (i) re-enters service of the employer and serves for periods comprising at least 90 days 2 years after the date of the last refund paid to him or (ii) has completed at least 2 years of service under a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund after the date of the last refund, shall have his annuity rights restored by making application to the board in writing for the privilege of re-instating such rights and by compliance with the following provisions:

(a) After that 90 day or 2 year period, whichever applies, he shall repay in full to the Fund, while in service, in full all refunds received, together  
with interest at the effective rate from the application dates of such refund or refunds to the date of repayment. ;

(b) If payment is not made in a single sum, repayment may be made in installments by deductions from salary or otherwise, in such manner and amounts as the board, by rule, may prescribe, with interest at the effective rate accruing on the unpaid balance ~~employee may elect~~. The employee shall be credited with interest at the effective rate from the date of each installment until full repayment is made.

(c) If the employee withdraws from service or dies in service before full repayment is made, service credit shall be restored in accordance with Section 11-221.2(b).

(d) If the employee withdraws from service or dies in service or during the required 90 day or 2 year period, any repayments made shall be refunded, without  
interest thereon and in accordance with the refund provisions of this Article.

(e) If the employee repays the refund while participating in a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund, the service credit restored must be used for a proportional annuity calculated in accordance with the Retirement Systems Reciprocal Act. If not so used,

the restored service credit shall be forfeited and the amount of the repayment shall be refunded, without interest.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/11-167) (from Ch. 108 1/2, par. 11-167)

Sec. 11-167. Refunds in lieu of annuity. In lieu of an annuity, an employee who withdraws, and whose annuity would amount to less than \$800 a month for life may elect to receive a refund of the total sum accumulated to his credit from employee contributions for annuity purposes.

The widow of any employee, eligible for annuity upon the death of her husband, whose annuity would amount to less than \$800 a month for life, may, in lieu of a widow's annuity, elect to receive a refund of the accumulated contributions for annuity purposes, based on the amounts contributed by her deceased employee husband, but reduced by any amounts theretofore paid to him in the form of an annuity or refund out of such accumulated contributions.

Accumulated contributions shall mean the amounts including interest credited thereon contributed by the employee for age and service and widow's annuity to the date of his withdrawal or death, whichever first occurs, and including the accumulations from any amounts contributed for him as salary deductions while receiving duty disability benefits; provided that such amounts contributed by the city after December 31, 1983 while the employee is receiving duty disability benefits and amounts credited to the employee for annuity purposes by the fund after December 31, 2000 while the employee is receiving ordinary disability benefits shall not be included.

The acceptance of such refund in lieu of widow's annuity, on the part of a widow, shall not deprive a child or children of the right to receive a child's annuity as provided for in Sections 11-153 and 11-154 of this Article, and neither shall the payment of a child's annuity in the case of such refund to a widow reduce the amount herein set forth as refundable to such widow electing a refund in lieu of widow's annuity.

(Source: P.A. 91-887, eff. 7-6-00; 92-599, eff. 6-28-02; revised 10-22-02.)

(40 ILCS 5/11-170.1) (from Ch. 108 1/2, par. 11-170.1)

Sec. 11-170.1. Pickup of employee contributions.

(a) The employer may pick up the employee contributions required by Sections 11-156, 11-170, 11-174 and 11-175.1 for salary earned after December 31, 1981. If employee contributions are not picked up, the amount that would have been picked up under this amendatory Act of 1980 shall continue to be deducted from salary. If contributions are picked up they shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code; however, the employer shall continue to withhold Federal and state income taxes based upon these contributions until the Internal Revenue Service or the Federal courts rule that pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer shall pay these employee contributions from the same source of funds which is used in paying salary to the employee. The employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 11, including Section 11-169, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(b) Subject to the requirements of federal law and the rules of the Board, the Fund may allow the employee to elect to have the employer pick up the optional contributions that the employee has elected to pay to the Fund, and the contributions so picked up shall be treated as employer contributions for the purpose of determining federal tax treatment. The employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay contributions from the same source of funds that is used to pay earnings of the employee. The election to have the contributions picked up is irrevocable, and the optional contributions may not thereafter be prepaid, by direct payment or otherwise.

If the provision authorizing the optional contribution requires payment by a stated date (rather than the date of withdrawal or retirement), the requirement will be deemed to have been satisfied if (i) on or before the stated date the employee executes a valid irrevocable election to have the contributions picked up under this subsection, and (ii) the picked-up contributions are in fact paid to the Fund as provided in the election.

If employee contributions are picked up under this subsection, they shall be treated for all purposes of this Article 11, including Section 11-169, in the same manner and to the same extent as optional employee contributions made prior to the date picked up.

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

(40 ILCS 5/11-178) (from Ch. 108 1/2, par. 11-178)

Sec. 11-178. Contributions by city for prior service annuities and other benefits.

The city shall make contributions to provide prior service and widow's prior service annuities, and other annuities and benefits, as follows:

1. To credit to the city contribution reserve such amounts required from the city but not contributed by it for age and service and prior service annuities, and widow's annuities and widows' prior service annuities;

2. To meet such part of any minimum annuity as shall be in excess of the age and service annuity and prior service annuity, and to meet such part of any minimum widow's annuity in excess of the amount of widow's annuity and widow's prior service annuity;

3. To provide a sufficient balance in the investment and interest reserve to permit a transfer from that reserve to other reserves of the fund. Whenever the balance of the investment and interest reserve is not sufficient to permit a transfer from that reserve to any other reserve, the city shall contribute sums sufficient to make possible such transfer;

4. An amount equal to the difference between (1) the sum produced by the tax levy stated in Section 11--169 and (2) all sums required for the purposes of this Article 11 in accordance with the provisions of this Article 11 except those stated in this Section, shall be applied for purposes of this Section.

Provided that if in any year such total sums together with all other sums required during such year for the other purposes of the fund, are in excess of the total amount contributed by the city during such year, the sums required for purposes other than those stated in this section shall first be provided for. The balance shall then be applied for the purposes stated in this section.

All such contributions shall be credited to the prior service annuity reserve. When the balance of this reserve equals its liabilities (including in addition to all other liabilities, the present values of all annuities, present or prospective, according to the applicable mortality tables and rates of interest, but excluding any liabilities arising under Sections 11-133.3 and 11-133.4), the city shall cease to contribute the sum stated in this section.

If annexation of territory and the employment by the city of any person employed as a city laborer in any such territory at the time of annexation, after the city has ceased to contribute as herein provided, results in additional liabilities for prior service annuity and widow's prior service annuity for any such employee, contributions by the city for such purposes shall be resumed.

Notwithstanding any provision in this Section to the contrary, the city shall not make a contribution for credit established by an employee under subsection (b) of Section 11-133.3.

(Source: Laws 1965, p. 2292.)

(40 ILCS 5/11-181) (from Ch. 108 1/2, par. 11-181)

Sec. 11-181. Board created. A board of 8 members shall constitute the board of trustees authorized to carry out the provisions of this Article. The board shall be known as the Retirement Board of the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of the city. The board shall consist of 5 persons appointed and 2 employees and one annuitant elected in the manner hereinafter prescribed.

The appointed members of the board shall be appointed as follows:

One member shall be appointed by the comptroller of the city, who may be himself or anyone chosen from among employees of the city who are versed in the affairs of the comptroller's office; one member shall be appointed by the City Treasurer of the city, who may be himself or a person chosen from among employees of the city who are versed in the affairs of the City Treasurer's office; one member shall be an employee of the city appointed by the president of the local labor organization representing a majority of the employees participating in the Fund; and 2 members shall be appointed by the civil service commission or the Department of Personnel of the city from among employees of the city who are versed in the affairs of the civil service commission's office or the Department of Personnel.

The member appointed by the comptroller shall hold office for a term ending on December 1st of the first year following the year of appointment. The member appointed by the City Treasurer shall hold office for a term ending on December 1st of the second year following the year of appointment. The member appointed by the civil service commission shall hold office for a term ending on the first day in the month of December of the third year following the year of appointment. The additional member appointed by the civil service commission under this amendatory Act of 1998 shall hold office for an initial term ending on December 1, 2000, and the member appointed by the labor organization president shall hold office for an initial term ending on December 1, 2001. Thereafter each appointive member shall be appointed by the officer or body that appointed his predecessor, for a term of 3 years.

The 2 employee members of the board shall be elected as follows:

Within 30 days from and after the appointive members have been appointed and have qualified, the appointive members shall arrange for and hold an election.

One employee shall be elected for a term ending on December 1st of the first year next following the



effective date; one for a term ending on December 1st of the following year.

An employee member who takes advantage of the early retirement incentives provided under this amendatory Act of the 93rd General Assembly may continue as a member until the end of his or her term.

The initial annuitant member shall be appointed by the other members of the board for an initial term ending on December 1, 1999. The annuitant member elected in 1999 shall be deemed to have been elected for a 3-year term ending on December 1, 2002. Thereafter, the annuitant member shall be elected for a 3-year term ending on December 1st of the third year following the election.

(Source: P.A. 90-766, eff. 8-14-98; 91-887, eff. 7-6-00.)

(40 ILCS 5/12-133) (from Ch. 108 1/2, par. 12-133)

Sec. 12-133. Fixed benefit retirement annuity.

(a) Subject to the provisions of paragraph (b) of this Section, the retirement annuity for any employee who withdraws from service on or after January 1, 1983 and before January 1, 1990, at age 60 or over, having at least 4 years of service, shall be 1.70% for each of the first 10 years of service; 2.00% for each of the next 10 years of service; 2.40% for each year of service in excess of 20 but not exceeding 30; and 2.80% for each year of service in excess of 30, with a pro-rated amount for service of less than a full year, based upon the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, provided that: (1) if retirement of the employee occurs below age 60, such annuity shall be reduced 1/2 of 1% for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 55 or over but less than age 60, having at least 35 years of service, shall not be subject to the reduction in his retirement annuity because of retirement below age 60; (2) the annuity shall not exceed 75% of such average annual salary; (3) the actual salary shall be considered in the computation of this annuity.

The retirement annuity for any employee who withdraws from service on or after January 1, 1990 and prior to December 31, 2003 at age 50 or over with at least 10 years of service, or at age 60 or over with at least 4 years of service, shall be 1.90% for each of the first 10 years of service, 2.20% for each of the next 10 years of service, 2.40% for each of the next 10 years of service, and 2.80% for each year of service in excess of 30, with a pro-rated amount for service of less than a full year, based upon the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, provided that:

(1) if retirement of the employee occurs below age 60, such annuity shall be reduced 1/4 of 1% (1/2 of 1% in the case of withdrawal from service before January 1, 1991) for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 50 or over having at least 30 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60;

(2) the annuity shall not exceed 80% of such average annual salary; and

(3) the actual salary shall be considered in the computation of this annuity.

An employee who withdraws from service on or after December 31, 2003, at age 50 or over with at least 10 years of service or at age 60 or over with at least 4 years of service, shall receive, in lieu of any other retirement annuity provided for in this Section, a retirement annuity calculated as follows: for each year of service immediately preceding the date of withdrawal, 2.40% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, with a prorated amount for service of less than a full year, provided that:

(1) if retirement of the employee occurs below age 60, such annuity shall be reduced 1/4 of 1% for each month or fraction thereof that the employee's age is less than 60, except that an employee retiring at age 50 or over having at least 30 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60;

(2) the annuity shall not exceed 80% of such average annual salary; and

(3) the actual salary shall be considered in the computation of this annuity.

Notwithstanding any other formula, the annuity for employees retiring on or after January 31, 2004 and on or before February 29, 2004 with at least 30 years of service shall be 80% of average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

(b) In lieu of the retirement annuity provided as an actuarial equivalent of the total accumulations from contributions by the employee, contributions by the employer, and prior service annuity plus regular interest, an employee in service prior to July 1, 1971 shall be entitled to the largest applicable retirement annuity provided in this Section if the same is larger than the annuity provided in other Sections of this Article.

(c) The following schedule shall govern the computation of service for the fixed benefit annuities

provided by this Section: Service during 9 months or more during any fiscal year shall constitute a year of service; 6 to 8 months, inclusive, 3/4 of a year; 3 to 5 months, inclusive, 1/2 year; less than 3 months, 1/4 of a year; 15 days or more in any month, a month of service.

(d) The other provisions of this Section shall not apply in the case of any former employee who is receiving a retirement annuity from the fund and who re-enters service as an employee, unless the employee renders from and after the date of re-entry, at least 3 years of additional service.

(Source: P.A. 86-272; 86-1488; 87-794.)

(40 ILCS 5/12-133.6 new)

Section 12-133.6. Early retirement incentive.

(a) To be eligible for the benefits provided in this Section, a person must:

(1) have been, on November 1, 2003, an employee (i) contributing to the Fund in active payroll status in a position of employment under this Article, (ii) returning to active payroll status from an approved leave of absence prior to December 1, 2003, (iii) receiving ordinary or duty disability benefits under Section 12-140, 12-142, or 12-143 or (iv) or have been subjected to an involuntary termination or layoff by the employer and restored to service by his or her employer prior to January 31, 2004;

(2) have not previously retired under this Article;

(3) file with the Board before January 31, 2004 a written election requesting the benefits provided in this Section;

(4) withdraw from service on or after January 31, 2004 and on or before February 29, 2004 (or the date established under subsection (a-5), if applicable); and

(5) have, by the date of withdrawal or by February 29, 2004, whichever is earlier, attained age 50 with at least 10 years of creditable service in one or more participating systems under the Retirement Systems Reciprocal Act, without including any creditable service established under this Section.

(a-5) To ensure that the efficient operation of employers under this Article is not jeopardized by the simultaneous retirement of large numbers of critical personnel, each employer may, for its critical employees, extend the February 29, 2004 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than May 31, 2004 by so notifying the Fund by January 31, 2004.

(b) An eligible person may establish up to 5 years of creditable service under this Section, in increments of one month, by making the contributions specified in subsection (c). In addition, for each month of creditable service established under this Section, a person's age at retirement shall be deemed to be one month older than it actually is, except for purposes of determining age under item (5) of subsection (a).

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of highest average annual salary under Section 12-133 or the determination of salary under this or any other Article of this Code.

(c) For each month of creditable service established under this Section, the person must pay to the Fund an employee contribution to be determined by the Fund, equal to 4.50% of the person's monthly salary rate on the date of withdrawal from service. Subject to the requirements of subsection (d), the person may elect to pay the required employee contribution before the retirement annuity commences or through deductions from the retirement annuity over a period not longer than 24 months.

If a person who retires dies before all payments of the employee contribution have been made, the remaining payments shall be deducted from any survivor or death benefits payable to the employee's surviving spouse or beneficiary.

Notwithstanding any provision in this Article to the contrary, all employee contributions paid under this Section shall not be deemed employee contributions for the purpose of determining the tax levy under Section 12-149. Notwithstanding any provision in this Article to the contrary, the employer shall not make a contribution for any credit established by an employee under subsection (b) of this Section. Employee contributions made under this Section may be refunded under the same terms and conditions as other employee contributions under this Article.

(d) A person who retires under the provisions of this Section shall be entitled to have his or her retirement annuity calculated under the provisions of Section 12-133, except that the retirement annuity shall not be subject to reduction for retirement under age 60.

(e) Notwithstanding Section 12-146 of this Article, an annuitant who reenters service under this Article after receiving a retirement annuity based on additional benefits provided under this Section thereby forfeits the right to continue to receive those benefits, and upon again retiring shall have his or her retirement annuity recalculated at the appropriate time without the additional benefits provided in this Section.

(f) No employer action in declaring an employee to be a critical employee pursuant to subsection (a-5) shall be construed as an impairment of any pension benefit or entitlement. No early retirement option or resultant benefit conferred under this Section shall, in any manner, vest for any employee until the earlier date of the employer's decision to release the employee from service or May 31, 2004.

(40 ILCS 5/12-133.7 new)

Sec. 12-133.7. Early retirement incentive for employees who have earned maximum pension benefits. A person who is eligible for the benefits provided under Section 12-133.6 and who, if he or she had retired on or before February 29, 2004, would have been entitled to a pension equal to 80% of his or her highest average salary for any 4 consecutive years within the last 10 years of service immediately preceding February 29, 2004 without receiving the benefits provided in Section 12-133.6 may elect, by filing a written election with the Fund by January 30, 2004, to receive a lump sum from the Fund on his or her last day of employment equal to 100% of his or her salary for the year ending on February 29, 2004 or the date of withdrawal, whichever is earlier. To be eligible to receive the benefit provided under this Section, the person must withdraw from service on or after January 31, 2004 and on or before February 29, 2004. If a person elects to receive the benefit provided under this Section, his or her retirement annuity otherwise payable under Section 12-133 shall be reduced by an amount equal to the actuarial equivalent of the lump sum. If a person elects to receive the benefit provided under this Section, the resulting reduction in retirement annuity under this Section shall not affect the amount of any widow's service annuity or widow's prior service annuity under Section 12-135 or any optional reversionary annuity for a surviving spouse under Section 12-136.1.

(40 ILCS 5/12-149) (from Ch. 108 1/2, par. 12-149)

Sec. 12-149. Financing. The board of park commissioners of any such park district shall annually levy a tax (in addition to the taxes now authorized by law) upon all taxable property embraced in the district, at the rate which, when added to the employee contributions under this Article and applied to the fund created hereunder, shall be sufficient to provide for the purposes of this Article in accordance with the provisions thereof. Such tax shall be levied and collected with and in like manner as the general taxes of such district, and shall not in any event be included within any limitations of rate for general park purposes as now or hereafter provided by law, but shall be excluded therefrom and be in addition thereto. The amount of such annual tax to and including the year 1977 shall not exceed .0275% of the value, as equalized or assessed by the Department of Revenue, of all taxable property embraced within the park district, provided that for the year 1978, and for each year thereafter, the amount of such annual tax shall be at a rate on the dollar of assessed valuation of all taxable property that will produce, when extended, for the year 1978 the following sum: 0.825 times the amount of employee contributions during the fiscal year 1976; for the year 1979, 0.85 times the amount of employee contributions during the fiscal year 1977; for the year 1980, 0.90 times the amount of employee contributions during the fiscal year 1978; for the year 1981, 0.95 times the amount of employee contributions during the fiscal year 1979; for the year 1982, 1.00 times the amount of employee contributions during the fiscal year 1980; for the year 1983, 1.05 times the amount of contributions made on behalf of employees during the fiscal year 1981; and for the year 1984 and each year thereafter, an amount equal to 1.10 times the employee contributions during the fiscal year 2-years prior to the year for which the applicable tax is levied. As used in this Section, the term "employee contributions" means contributions by employees for retirement annuity, spouse's annuity, automatic increase in retirement annuity, and death benefit.

In respect to park district employees, other than policemen, who are transferred to the employment of a city by virtue of the "Exchange of Functions Act of 1957", the corporate authorities of the city shall annually levy a tax upon all taxable property embraced in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient, when added to the amounts deducted from the salary or wages of such employees, to provide the benefits to which such employees, their dependents and beneficiaries are entitled under the provisions of this Article. The park district shall not levy a tax hereunder in respect to such employees. The tax levied by the city under authority of this Article shall be in addition to and exclusive of all other taxes authorized by law to be levied by the city for corporate, annuity fund or other purposes.

All moneys accruing from the levy and collection of taxes, pursuant to this section, shall be remitted to the board by the employers as soon as they are received. Where a city has levied a tax pursuant to this Section in respect to park district employees transferred to the employment of a city, the treasurer of such city or other authorized officer shall remit the moneys accruing from the levy and collection of such tax as soon as they are received. Such remittances shall be made upon a pro rata share basis, whereby each employer shall pay to the board such employer's proportionate percentage of each payment of taxes

received by it, according to the ratio which its tax levy for this fund bears to the total tax levy of such employer.

Should any board of park commissioners included under the provisions of this Article be without authority to levy the tax provided in this Section the corporation authorities (meaning the supervisor, clerk and assessor) of the town or towns for which such board shall be the board of park commissioners shall levy such tax.

Employer contributions to the Fund may be reduced by \$5,000,000 for calendar years 2004 and 2005.

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

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading .

### **SENATE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 1705 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

96, Yeas; 19, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

### **DISTRIBUTION OF SUPPLEMENTAL CALENDAR**

Supplemental Calendar No. 1 was distributed to the Members at 12:30 o'clock p.m.

### **RESOLUTIONS**

Having been reported out of the Committee on Rules earlier today, HOUSE JOINT RESOLUTION 51 was taken up for consideration.

Representative Currie moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Ordered that the Clerk inform the Senate and ask their concurrence.

Having been reported out of the Committee on Rules on January 8, 2004, HOUSE RESOLUTION 607 was taken up for consideration.

Representative Madigan moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

At the hour of 1:06 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, January 15, 2004, at 11:00 o'clock a.m.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
QUORUM ROLL CALL FOR ATTENDANCE

January 14, 2004

0 YEAS

0 NAYS

115 PRESENT

P Acevedo	P Delgado	P Kurtz	P Phelps
P Aguilar	P Dugan	P Lang	P Pihos
P Bailey	P Dunkin	P Leitch	P Poe
P Bassi	P Dunn	E Lindner	P Pritchard
P Beaubien	P Eddy	P Lyons, Eileen	P Reitz
P Bellock	P Feigenholtz	P Lyons, Joseph	P Rita
P Berrios	P Flider	P Mathias	P Rose
P Biggins	P Flowers	P Mautino	P Ryg
P Black	P Franks	P May	P Sacia
P Boland	P Fritchey	P McAuliffe	P Saviano
P Bost	P Froehlich	P McCarthy	P Schmitz
P Bradley, John	P Giles	P McGuire	P Scully
P Bradley, Richard	P Gordon	P McKeon	P Slone
P Brady	P Graham	P Mendoza	P Smith
P Brauer	P Granberg	P Meyer	P Sommer
P Brosnahan	P Grunloh	P Miller	P Soto
P Burke	P Hamos	P Millner	P Stephens
P Capparelli	P Hannig	P Mitchell, Bill	P Sullivan
P Chapa LaVia	P Hassert	P Mitchell, Jerry	P Tenhouse
P Churchill	P Hoffman	P Moffitt	P Turner
E Collins	P Holbrook	P Molaro	P Verschoore
P Colvin	E Howard	P Morrow	P Wait
P Coulson	P Hultgren	P Mulligan	P Washington
P Cross	P Jakobsson	P Munson	P Watson
P Cultra	P Jefferson	P Myers	P Winters
P Currie	P Jones	P Nekritz	P Yarbrough
P Daniels	P Joyce	P Osmond	P Younge
P Davis, Monique	P Kelly	P Osterman	P Mr. Speaker
P Davis, Steve	P Kosel	P Pankau	
P Davis, Will	P Krause	P Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1705  
PEN CD-TECH  
THIRD READING  
PASSED

January 14, 2004

96 YEAS

19 NAYS

0 PRESENT

Y Acevedo	Y Delgado	N Kurtz	Y Phelps
Y Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	N Dunn	E Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	N Meyer	N Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
E Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	E Howard	Y Morrow	Y Wait
Y Coulson	N Hultgren	Y Mulligan	Y Washington
Y Cross	N Jakobsson	Y Munson	N Watson
N Cultra	Y Jefferson	N Myers	N Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, Will	Y Krause	Y Parke	

E - Denotes Excused Absence