



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0122

Introduced 1/7/2005, by Rep. Bill Mitchell

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-111  
30 ILCS 805/8.29 new

from Ch. 108 1/2, par. 3-111

Amends the Downstate Police Article of the Illinois Pension Code to increase the pensions of persons with over 20 years of service. Increases the maximum pension from 75% to 80% of salary. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 03770 AMC 33779 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing  
5 Section 3-111 as follows:

6 (40 ILCS 5/3-111) (from Ch. 108 1/2, par. 3-111)  
7 Sec. 3-111. Pension.

8 (a) A police officer age 50 or more with 20 or more years  
9 of creditable service, who is not a participant in the  
10 self-managed plan under Section 3-109.3 and who is no longer in  
11 service as a police officer, shall receive a pension of 1/2 of  
12 the salary attached to the rank held by the officer on the  
13 police force for one year immediately prior to retirement or,  
14 beginning July 1, 1987 for persons terminating service on or  
15 after that date, the salary attached to the rank held on the  
16 last day of service or for one year prior to the last day,  
17 whichever is greater. The pension shall be increased by 5% ~~2.5%~~  
18 of such salary for each additional year of service over 20  
19 years of service through 26 ~~30~~ years of service, to a maximum  
20 of 80% ~~75%~~ of such salary.

21 The changes made to this subsection (a) by this amendatory  
22 Act of the 91st General Assembly apply to all pensions that  
23 become payable under this subsection on or after January 1,  
24 1999. All pensions payable under this subsection that began on  
25 or after January 1, 1999 and before the effective date of this  
26 amendatory Act shall be recalculated, and the amount of the  
27 increase accruing for that period shall be payable to the  
28 pensioner in a lump sum. The changes made to this subsection  
29 (a) by this amendatory Act of the 94th General Assembly apply  
30 to all pensions that become payable under this subsection on or  
31 after the effective date of this amendatory Act of the 94th  
32 General Assembly.

1 (a-5) No pension in effect on or granted after June 30,  
2 1973 shall be less than \$200 per month. Beginning July 1, 1987,  
3 the minimum retirement pension for a police officer having at  
4 least 20 years of creditable service shall be \$400 per month,  
5 without regard to whether or not retirement occurred prior to  
6 that date. If the minimum pension established in Section  
7 3-113.1 is greater than the minimum provided in this  
8 subsection, the Section 3-113.1 minimum controls.

9 (b) A police officer mandatorily retired from service due  
10 to age by operation of law, having at least 8 but less than 20  
11 years of creditable service, shall receive a pension equal to 2  
12 1/2% of the salary attached to the rank he or she held on the  
13 police force for one year immediately prior to retirement or,  
14 beginning July 1, 1987 for persons terminating service on or  
15 after that date, the salary attached to the rank held on the  
16 last day of service or for one year prior to the last day,  
17 whichever is greater, for each year of creditable service.

18 A police officer who retires or is separated from service  
19 having at least 8 years but less than 20 years of creditable  
20 service, who is not mandatorily retired due to age by operation  
21 of law, and who does not apply for a refund of contributions at  
22 his or her last separation from police service, shall receive a  
23 pension upon attaining age 60 equal to 2.5% of the salary  
24 attached to the rank held by the police officer on the police  
25 force for one year immediately prior to retirement or,  
26 beginning July 1, 1987 for persons terminating service on or  
27 after that date, the salary attached to the rank held on the  
28 last day of service or for one year prior to the last day,  
29 whichever is greater, for each year of creditable service.

30 (c) A police officer no longer in service who has at least  
31 one but less than 8 years of creditable service in a police  
32 pension fund but meets the requirements of this subsection (c)  
33 shall be eligible to receive a pension from that fund equal to  
34 2.5% of the salary attached to the rank held on the last day of  
35 service under that fund or for one year prior to that last day,  
36 whichever is greater, for each year of creditable service in

1 that fund. The pension shall begin no earlier than upon  
2 attainment of age 60 (or upon mandatory retirement from the  
3 fund by operation of law due to age, if that occurs before age  
4 60) and in no event before the effective date of this  
5 amendatory Act of 1997.

6 In order to be eligible for a pension under this subsection  
7 (c), the police officer must have at least 8 years of  
8 creditable service in a second police pension fund under this  
9 Article and be receiving a pension under subsection (a) or (b)  
10 of this Section from that second fund. The police officer need  
11 not be in service on or after the effective date of this  
12 amendatory Act of 1997.

13 (Source: P.A. 90-460, eff. 8-17-97; 91-939, eff. 2-1-01.)

14 Section 90. The State Mandates Act is amended by adding  
15 Section 8.29 as follows:

16 (30 ILCS 805/8.29 new)

17 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
18 of this Act, no reimbursement by the State is required for the  
19 implementation of any mandate created by this amendatory Act of  
20 the 94th General Assembly.

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