



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1492

Introduced 02/10/05, by Rep. Kevin Joyce

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-132

from Ch. 108 1/2, par. 5-132

30 ILCS 805/8.29 new

Amends the Chicago Police Article of the Illinois Pension Code to base retirement benefits on the highest 36 months, rather than 4 years, of salary within the last 10 years of service, for persons retiring after December 31, 2005. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 09000 AMC 39221 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT in relation to public employee benefits.

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

4 Section 5. The Illinois Pension Code is amended by changing  
5 Section 5-132 as follows:

6 (40 ILCS 5/5-132) (from Ch. 108 1/2, par. 5-132)  
7 Sec. 5-132. Minimum annuity.

8 (1) Any policeman who withdraws on or after July 8, 1957,  
9 or any policeman transferred to the police service of the city  
10 under the Exchange of Functions Act of 1957 who withdraws on or  
11 after July 17, 1959, after completing at least 20 years of  
12 service, for whom the annuity otherwise provided in this  
13 Article is less than that stated in this Section has a right to  
14 receive annuity as follows:

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

23 (b) If he is age 50 or more but less than age 55 on  
24 withdrawal, his annuity shall be equal to 2% of ~~the~~ average  
25 salary ~~for the 4 highest consecutive years of the last 10~~  
26 ~~years of service~~ for each year of service, together with  
27 1/16 of 1% of ~~such~~ average salary for each month of each  
28 fractional year of service, reduced by 1/2 of 1% for each  
29 month that he is less than age 55.

30 (c) If he is less than age 50 on withdrawal, he may,  
31 upon attainment of age 50 or over, become entitled to the  
32 annuity provided in this Section or, he may, upon

1 application before age 50, receive a refund of the  
2 deductions from salary, plus interest at 1 1/2% per annum  
3 if he is entitled to refund under Section 5-163.

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

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

25 (e) In lieu of the annuity provided in the foregoing  
26 provisions of this Section any policeman who withdraws from  
27 the service either (i) after December 31, 1983 with at  
28 least 22 years of service credit and having attained age 52  
29 in the service, or (ii) after December 31, 1984 with at  
30 least 21 years of service credit and having attained age 51  
31 in the service, or (iii) after December 31, 1985 with at  
32 least 20 years of service credit and having attained age 50  
33 in the service, or (iv) after December 31, 1990, with at  
34 least 20 years of service credit regardless of age, shall  
35 be entitled to an annuity to begin not earlier than upon  
36 attainment of age 50 if under such age at withdrawal,

1           computed as follows: an annuity equal to 50% of ~~the~~ average  
2           salary ~~for the 4 highest consecutive years of the last 10~~  
3           ~~years of service,~~ plus additional annuity equal to 2% of  
4           ~~such~~ average salary for each completed year of service or  
5           fraction thereof rendered after his completion of the  
6           minimum number of years of service required for him to be  
7           eligible under this subsection (e). In lieu of any annuity  
8           provided in the foregoing provisions of this Section, any  
9           policeman who withdraws from the service after December 31,  
10          2003, with at least 20 years of service credit regardless  
11          of age, shall be entitled to an annuity to begin not  
12          earlier than upon attainment of age 50, if under that age  
13          at withdrawal, equal to 2.5% of the average salary for the  
14          4 highest consecutive years of the last 10 years of service  
15          for each completed year of service or fraction thereof.  
16          However, the annuity provided under this subsection (e) may  
17          not exceed 75% of ~~such~~ average salary.

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

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

32          Moneys voluntarily contributed under the Policemen's  
33          Annuity and Benefit Fund Act of the Illinois Municipal Code, or  
34          the Park Policemen's Annuity Act, shall be refunded to the  
35          contributing policemen who were in service on January 1, 1954,  
36          or in the case of policemen transferred to the police service

1 of the city under the Exchange of Functions Act of 1957, who  
2 were in service on July 17, 1959.

3 The age and service annuity formula in this Section shall  
4 not apply to any policeman who, having retired before July 8,  
5 1957, or before July 17, 1959, in the case of a policeman  
6 transferred under the provisions of the Exchange of Functions  
7 Act of 1957, re-enters the police service after such dates,  
8 whichever are applicable.

9 (4) For the purpose of this Section, "average salary"  
10 means:

11 (a) for a policeman withdrawing from service before  
12 January 1, 2006, the average of the highest 4 consecutive  
13 years of salary within the last 10 years of service; and

14 (b) for a policeman withdrawing from service on or  
15 after January 1, 2006, the average of the highest 36  
16 consecutive months of salary within the last 10 years of  
17 service.

18 (Source: P.A. 93-654, eff. 1-16-04.)

19 Section 90. The State Mandates Act is amended by adding  
20 Section 8.29 as follows:

21 (30 ILCS 805/8.29 new)

22 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
23 of this Act, no reimbursement by the State is required for the  
24 implementation of any mandate created by this amendatory Act of  
25 the 94th General Assembly.

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