



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1741

Introduced 2/19/2009, by Sen. James A. DeLeo

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-132	from Ch. 108 1/2, par. 5-132
40 ILCS 5/5-148	from Ch. 108 1/2, par. 5-148
30 ILCS 805/8.33 new	

Amends the Chicago Police Article of the Illinois Pension Code to provide an increase in the retirement benefit formula. Changes the maximum annuity from 75% to 80% of average salary. Provides for 2.5% (rather than 2%) of average salary for each year of service beyond 20. Applies to persons withdrawing from service after the effective date. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 06165 AMC 16247 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Sections 5-132 and 5-148 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

1 withdrawal, his annuity shall be equal to 2% of the average
2 salary ~~for the 4 highest consecutive years of the last 10~~
3 ~~years of service~~ for each year of service, together with
4 1/16 of 1% of ~~such~~ average salary for each month of each
5 fractional year of service, reduced by 1/2 of 1% for each
6 month that he is less than age 55.

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

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

26 Any policeman who has completed 23 years of service

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

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

1 provided in the foregoing provisions of this Section, any
2 policeman who withdraws from the service after December 31,
3 2003, with at least 20 years of service credit regardless
4 of age, shall be entitled to an annuity to begin not
5 earlier than upon attainment of age 50, if under that age
6 at withdrawal, equal to 2.5% of the average salary for the
7 4 highest consecutive years of the last 10 years of service
8 for each completed year of service or fraction thereof.
9 However, the annuity provided under this subsection (e) may
10 not exceed 75% of such average salary.

11 (f) In lieu of the annuity provided in the foregoing
12 provisions of this Section, a policeman who withdraws from
13 service after the effective date of this amendatory Act of
14 the 96th General Assembly with at least 20 years of service
15 credit may elect to receive an annuity, to begin not
16 earlier than upon attainment of age 50 if under that age at
17 withdrawal, equal to 50% of average salary plus 2.5% of
18 average salary for each completed year of service or
19 fraction thereof in excess of 20, but not to exceed a
20 maximum of 80% of average salary.

21 (2) A policeman withdrawing after September 1, 1969, may,
22 in addition, be entitled to the benefits provided by Section
23 5-167.1 of this Article if he so qualifies under that Section.

24 (3) If, on withdrawal, total service is less than 20 years,
25 the policeman shall not be entitled to an annuity under this
26 Section but may receive an annuity under the other provisions

1 of this Article or, if entitled thereto under Section 5--163, a
2 refund of the deductions from salary, including, in the case of
3 policemen transferred to the police service of the city under
4 the Exchange of Functions Act of 1957, the additional
5 contribution paid on salary received from August 1, 1957, to
6 July 17, 1959, as provided in the Park Policemen's Annuity Act,
7 together with interest at 1 1/2% per annum.

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

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

21 (4) For the purpose of this Section and Section 5-148,
22 "average salary" means the average of the highest 4 consecutive
23 years of salary within the last 10 years of service.

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

25 (40 ILCS 5/5-148) (from Ch. 108 1/2, par. 5-148)

1 Sec. 5-148. Maximum annuities. No annuity in excess of 75%
2 of the highest salary considered for annuity purposes in
3 accordance with this Article (80% of average salary in the case
4 of a policeman whose annuity is calculated under subdivision
5 (1)(f) of Section 5-132) shall be payable to a policeman, or to
6 the widow of a policeman whose death results from injury
7 incurred in the performance of an act of duty. No amount of
8 annuity in excess of \$500 per month shall be payable to the
9 widow of a policeman whose death results from any cause other
10 than injury incurred in the performance of an act of duty,
11 except as provided in Section 5-136.1.

12 If, when a policeman's annuity is fixed, there is to his
13 credit, for such annuity, an amount in excess of that necessary
14 to provide an annuity of 75% of his highest salary (80% of
15 average salary in the case of a policeman whose annuity is
16 calculated under subdivision (1)(f) of Section 5-132), 7/24 of
17 such excess shall be refunded if the policeman is a future
18 entrant; and if he is a present employee, there shall be
19 refunded ~~7~~ a part of such excess amount proportionately equal to
20 that part of the entire amount to his credit for such annuity
21 purposes, which the sum that has resulted from salary
22 deductions bears to such entire amount.

23 Until January 1, 1986, if, when a widow's annuity is fixed,
24 there is to the policeman's credit, for widow's annuity, an
25 amount in excess of that necessary to provide an annuity of
26 \$500 per month, 1/3 of such excess shall be refunded to the

1 policeman if he is a future entrant; and, if he is a present
2 employee, there shall be refunded a part of such excess amount
3 proportionately equal to that part of the entire amount to his
4 credit for such annuity purposes which the sum that has
5 resulted from employee contributions bears to such entire
6 amount. If the widow's annuity is fixed on or after January 1,
7 1986, no refund of excess contributions shall be made under
8 this paragraph.

9 Until January 1, 1986, if at the time of the death of a
10 policeman resulting from injury incurred in the performance of
11 an act of duty, there is to his credit, for widow's annuity, an
12 amount in excess of that necessary to provide an annuity of 75%
13 of his highest salary, or \$500 per month if death results from
14 any other cause, 1/3 of such excess shall be refunded to his
15 widow if he was a future entrant; and, if he was a present
16 employee, there shall be refunded to his widow a part of such
17 excess amount proportionately equal to that part of the entire
18 amount to his credit for such annuity purposes which the sum
19 that has resulted from employee's contributions bears to such
20 entire amount. If employee dies in service on or after January
21 1, 1986, no refund of excess contributions shall be made under
22 this paragraph.

23 This amendatory Act of 1972 does not increase the amount of
24 any widow's annuity which is fixed before the effective date of
25 this amendatory Act of 1972.

26 (Source: P.A. 84-1104.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.33 as follows:

3 (30 ILCS 805/8.33 new)

4 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 96th General Assembly.

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