

# HB3376



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3376

Introduced 2/24/2011, by Rep. Kevin A. McCarthy

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-167.1

from Ch. 108 1/2, par. 5-167.1

Amends the Chicago Police Article of the Illinois Pension Code. Makes changes concerning annual increases to the monthly annuities of persons who first become a policeman on or after the effective date of the amendatory Act and deletes repetitive language concerning annual increases in survivor's annuities for new hires. Effective immediately.

LRB097 08172 JDS 48296 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

A BILL FOR

1 AN ACT concerning public employee benefits.

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

4 Section 5. The Illinois Pension Code is amended by changing  
5 Section 5-167.1 as follows:

6 (40 ILCS 5/5-167.1) (from Ch. 108 1/2, par. 5-167.1)

7 Sec. 5-167.1. Automatic increase in annuity; retirement  
8 from service after September 1, 1967.

9 (a) A policeman who retires from service after September 1,  
10 1967 with at least 20 years of service credit shall, upon  
11 either the first of the month following the first anniversary  
12 of his date of retirement if he is age 60 (age 55 if born before  
13 January 1, 1955) or over on that anniversary date, or upon the  
14 first of the month following his attainment of age 60 (age 55  
15 if born before January 1, 1955) if it occurs after the first  
16 anniversary of his retirement date, have his then fixed and  
17 payable monthly annuity increased by 1 1/2% and such first  
18 fixed annuity as granted at retirement increased by an  
19 additional 1 1/2% in January of each year thereafter up to a  
20 maximum increase of 30%. Beginning January 1, 1983 for  
21 policemen born before January 1, 1930, and beginning January 1,  
22 1988 for policemen born on or after January 1, 1930 but before  
23 January 1, 1940, and beginning January 1, 1996 for policemen

1 born on or after January 1, 1940 but before January 1, 1945,  
2 and beginning January 1, 2000 for policemen born on or after  
3 January 1, 1945 but before January 1, 1950, and beginning  
4 January 1, 2005 for policemen born on or after January 1, 1950  
5 but before January 1, 1955, such increases shall be 3% and such  
6 policemen shall not be subject to the 30% maximum increase.

7 Any policeman born before January 1, 1945 who qualifies for  
8 a minimum annuity and retires after September 1, 1967 but has  
9 not received the initial increase under this subsection before  
10 January 1, 1996 is entitled to receive the initial increase  
11 under this subsection on (1) January 1, 1996, (2) the first  
12 anniversary of the date of retirement, or (3) attainment of age  
13 55, whichever occurs last. The changes to this Section made by  
14 Public Act 89-12 apply beginning January 1, 1996 and without  
15 regard to whether the policeman or annuitant terminated service  
16 before the effective date of that Act.

17 Any policeman born before January 1, 1950 who qualifies for  
18 a minimum annuity and retires after September 1, 1967 but has  
19 not received the initial increase under this subsection before  
20 January 1, 2000 is entitled to receive the initial increase  
21 under this subsection on (1) January 1, 2000, (2) the first  
22 anniversary of the date of retirement, or (3) attainment of age  
23 55, whichever occurs last. The changes to this Section made by  
24 this amendatory Act of the 92nd General Assembly apply without  
25 regard to whether the policeman or annuitant terminated service  
26 before the effective date of this amendatory Act.

1 Any policeman born before January 1, 1955 who qualifies for  
2 a minimum annuity and retires after September 1, 1967 but has  
3 not received the initial increase under this subsection before  
4 January 1, 2005 is entitled to receive the initial increase  
5 under this subsection on (1) January 1, 2005, (2) the first  
6 anniversary of the date of retirement, or (3) attainment of age  
7 55, whichever occurs last. The changes to this Section made by  
8 this amendatory Act of the 94th General Assembly apply without  
9 regard to whether the policeman or annuitant terminated service  
10 before the effective date of this amendatory Act.

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

13 (c) To help defray the cost of such increases in annuity,  
14 there shall be deducted, beginning September 1, 1967, from each  
15 payment of salary to a policeman, 1/2 of 1% of each salary  
16 payment concurrently with and in addition to the salary  
17 deductions otherwise made for annuity purposes.

18 The city, in addition to the contributions otherwise made  
19 by it for annuity purposes under other provisions of this  
20 Article, shall make matching contributions concurrently with  
21 such salary deductions.

22 Each such 1/2 of 1% deduction from salary and each such  
23 contribution by the city of 1/2 of 1% of salary shall be  
24 credited to the Automatic Increase Reserve, to be used to  
25 defray the cost of the 1 1/2% annuity increase provided by this  
26 Section. Any balance in such reserve as of the beginning of

1 each calendar year shall be credited with interest at the rate  
2 of 3% per annum.

3 Such deductions from salary and city contributions shall  
4 continue while the policeman is in service.

5 The salary deductions provided in this Section are not  
6 subject to refund, except to the policeman himself, in any case  
7 in which a policeman withdraws prior to qualification for  
8 minimum annuity and applies for refund or applies for annuity,  
9 and also where a term annuity becomes payable. In such cases,  
10 the total of such salary deductions shall be refunded to the  
11 policeman, without interest, and charged to the Automatic  
12 Increase Reserve.

13 (d) Notwithstanding any other provision of this Article,  
14 the monthly annuity of a person who first becomes a policeman  
15 under this Article on or after the effective date of this  
16 amendatory Act of the 97th General Assembly shall be increased  
17 on the January 1 occurring either on or after the attainment of  
18 age 60 or the first anniversary of the annuity start date,  
19 whichever is later. Each annual increase shall be calculated at  
20 3% or one-half the annual unadjusted percentage increase (but  
21 not less than zero) in the consumer price index-u for the 12  
22 months ending with the September preceding each November 1,  
23 whichever is less, of the originally granted retirement  
24 annuity. If the annual unadjusted percentage change in the  
25 consumer price index-u for a 12-month period ending in  
26 September is zero or, when compared with the preceding period,

1 decreases, then the annuity shall not be increased.

2 ~~Notwithstanding any other provision of this Article, for a~~  
3 ~~person who first becomes a policeman under this Article on or~~  
4 ~~after January 1, 2011, the annuity to which the survivor is~~  
5 ~~entitled under this subsection (d) shall be in the amount of 66~~  
6 ~~2/3% of the policeman's earned annuity at the date of death.~~  
7 ~~Nothing in this subsection (d) shall act to diminish the~~  
8 ~~survivor's benefits described in this Section.~~

9 ~~Notwithstanding any other provision of this Article, the~~  
10 ~~monthly annuity of a survivor of a person who first becomes a~~  
11 ~~policeman under this Article on or after January 1, 2011 shall~~  
12 ~~be increased on the January 1 after attainment of age 60 by the~~  
13 ~~recipient of the survivor's annuity and each January 1~~  
14 ~~thereafter by 3% or one half the annual unadjusted percentage~~  
15 ~~increase (but not less than zero) in the consumer price index u~~  
16 ~~for the 12 months ending with the September preceding each~~  
17 ~~November 1, whichever is less, of the originally granted~~  
18 ~~annuity. If the annual unadjusted percentage change in the~~  
19 ~~consumer price index u for a 12 month period ending in~~  
20 ~~September is zero or, when compared with the preceding period,~~  
21 ~~decreases, then the annuity shall not be increased.~~

22 For the purposes of this subsection (d), "consumer price  
23 index-u" means the index published by the Bureau of Labor  
24 Statistics of the United States Department of Labor that  
25 measures the average change in prices of goods and services  
26 purchased by all urban consumers, United States city average,

1 all items, 1982-84 = 100. The new amount resulting from each  
2 annual adjustment shall be determined by the Public Pension  
3 Division of the Department of Insurance and made available to  
4 the boards of the pension funds.

5 (Source: P.A. 96-1495, eff. 1-1-11.)

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