



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5786

by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-128

from Ch. 108 1/2, par. 6-128

30 ILCS 805/8.32 new

Amends the Chicago Firefighter Article of the Illinois Pension Code to base retirement benefits on the highest consecutive 36 months, rather than 4 years, of salary within the last 10 years of service. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 18216 AMC 44300 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 6-128 as follows:

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

7 Sec. 6-128. Alternative annuity for future entrants.

8 (a) A future entrant who withdraws on or after July 21,  
9 1959, after completing at least 23 years of service, and for  
10 whom the annuity otherwise provided in this Article is less  
11 than that stated in this Section, has a right to receive  
12 annuity as follows:

13 If he is age 53 or more on withdrawal, his annuity after  
14 withdrawal, shall be equal to 50% of his average salary.

15 An employee who reaches compulsory retirement age and who  
16 has less than 23 years of service shall be entitled to a  
17 minimum annuity equal to an amount determined by the product of  
18 (1) his years of service and (2) 2% of his average salary.

19 An employee who remains in service after qualifying for  
20 annuity under this Section shall have added to this annuity an  
21 additional 1% of average salary for each completed year of  
22 service or fraction thereof rendered until July 21, 1959, and  
23 an additional 1% for a total of 2% of average salary from July

1 21, 1959. Each future entrant who has completed 23 years of  
2 service before reaching age 53 shall have added to this annuity  
3 1% of average salary for each completed year of service or  
4 fraction thereof in excess of 23 years up to age 53.

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

23 (c) In lieu of the annuity provided in any other provision  
24 of this Section, a future entrant who withdraws from service  
25 after the effective date of this amendatory Act of the 93rd  
26 General Assembly with at least 20 years of service may elect to

1 receive an annuity, to begin no earlier than upon attainment of  
2 age 50 if under that age at withdrawal, equal to 50% of average  
3 salary plus 2.5% of average salary for each completed year of  
4 service or fraction thereof over 20, but not to exceed 75% of  
5 average salary.

6 (d) For the purpose of this Section, "average salary"  
7 means:

8 (1) for persons who terminate service before the  
9 effective date of this amendatory Act of the 95th General  
10 Assembly, the average of the highest 4 consecutive years of  
11 salary within the last 10 years of service; ~~or~~.

12 (2) for persons in service on or after the effective  
13 date of this amendatory Act of the 95th General Assembly,  
14 the average of the highest 36 consecutive months of salary  
15 within the last 10 years of service.

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

17 Section 90. The State Mandates Act is amended by adding  
18 Section 8.32 as follows:

19 (30 ILCS 805/8.32 new)

20 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
21 of this Act, no reimbursement by the State is required for the  
22 implementation of any mandate created by this amendatory Act of  
23 the 95th General Assembly.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.