



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 777

2 AMENDMENT NO. _____. Amend Senate Bill 777 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 5-167.2, 5-168, 6-128.2, and 6-165 and by
6 adding Sections 5-168.2 and 6-165.2 as follows:

7 (40 ILCS 5/5-167.2) (from Ch. 108 1/2, par. 5-167.2)

8 Sec. 5-167.2. Retirement before September 1, 1967. A
9 retired policeman, qualifying for minimum annuity or who
10 retired from service with 20 or more years of service, before
11 September 1, 1967, shall, in January of the year following the
12 year he attains the age of 65, or in January of the year 1970,
13 if then more than 65 years of age, have his then fixed and
14 payable monthly annuity increased by an amount equal to 2% of
15 the original grant of annuity, for each year the policeman was
16 in receipt of annuity payments after the year in which he

1 attains, or did attain the age of 63. An additional 2% increase
2 in such then fixed and payable original granted annuity shall
3 accrue in each January thereafter. Beginning January 1, 1986,
4 the rate of such increase shall be 3% instead of 2%.

5 The provisions of the preceding paragraph of this Section
6 apply only to a retired policeman eligible for such increases
7 in his annuity who contributes to the Fund a sum equal to \$5
8 for each full year of credited service upon which his annuity
9 was computed. All such sums contributed shall be placed in a
10 Supplementary Payment Reserve and shall be used for the
11 purposes of such Fund account.

12 Beginning with the monthly annuity payment due in July,
13 1982, the fixed and granted monthly annuity payment for any
14 policeman who retired from the service, before September 1,
15 1976, at age 50 or over with 20 or more years of service and
16 entitled to an annuity on January 1, 1974, shall be not less
17 than \$400. It is the intent of the General Assembly that the
18 change made in this Section by this amendatory Act of 1982
19 shall apply retroactively to July 1, 1982.

20 Beginning with the monthly annuity payment due on January
21 1, 1986, the fixed and granted monthly annuity payment for any
22 policeman who retired from the service before January 1, 1986,
23 at age 50 or over with 20 or more years of service, or any
24 policeman who retired from service due to termination of
25 disability and who is entitled to an annuity on January 1,
26 1986, shall be not less than \$475.

1 Beginning with the monthly annuity payment due on January
2 1, 1992, the fixed and granted monthly annuity payment for any
3 policeman who retired from the service before January 1, 1992,
4 at age 50 or over with 20 or more years of service, and for any
5 policeman who retired from service due to termination of
6 disability and who is entitled to an annuity on January 1,
7 1992, shall be not less than \$650.

8 Beginning with the monthly annuity payment due on January
9 1, 1993, the fixed and granted monthly annuity payment for any
10 policeman who retired from the service before January 1, 1993,
11 at age 50 or over with 20 or more years of service, and for any
12 policeman who retired from service due to termination of
13 disability and who is entitled to an annuity on January 1,
14 1993, shall be not less than \$750.

15 Beginning with the monthly annuity payment due on January
16 1, 1994, the fixed and granted monthly annuity payment for any
17 policeman who retired from the service before January 1, 1994,
18 at age 50 or over with 20 or more years of service, and for any
19 policeman who retired from service due to termination of
20 disability and who is entitled to an annuity on January 1,
21 1994, shall be not less than \$850.

22 Beginning with the monthly annuity payment due on January
23 1, 2004, the fixed and granted monthly annuity payment for any
24 policeman who retired from the service before January 1, 2004,
25 at age 50 or over with 20 or more years of service, and for any
26 policeman who retired from service due to termination of

1 disability and who is entitled to an annuity on January 1,
2 2004, shall be not less than \$950.

3 Beginning with the monthly annuity payment due on January
4 1, 2005, the fixed and granted monthly annuity payment for any
5 policeman who retired from the service before January 1, 2005,
6 at age 50 or over with 20 or more years of service, and for any
7 policeman who retired from service due to termination of
8 disability and who is entitled to an annuity on January 1,
9 2005, shall be not less than \$1,050.

10 Beginning with the monthly annuity payment due on January
11 1, 2016, the fixed and granted monthly annuity payment for any
12 policeman who retired from the service before January 1, 2016,
13 at age 50 or over with 20 or more years of service, and for any
14 policeman who retired from service due to termination of
15 disability and who is entitled to an annuity on January 1,
16 2016, shall be no less than 125% of the Federal Poverty Level.
17 For purposes of this Section, the "Federal Poverty Level" shall
18 be determined pursuant to the poverty guidelines updated
19 periodically in the Federal Register by the United States
20 Department of Health and Human Services under the authority of
21 42 U.S.C. 9902(2).

22 The difference in amount between the original fixed and
23 granted monthly annuity of any such policeman on the date of
24 his retirement from the service and the monthly annuity
25 provided for in the immediately preceding paragraph shall be
26 paid as a supplement in the manner set forth in the immediately

1 following paragraph.

2 To defray the annual cost of the increases indicated in the
3 preceding part of this Section, the annual interest income
4 accruing from investments held by this Fund, exclusive of gains
5 or losses on sales or exchanges of assets during the year, over
6 and above 4% a year shall be used to the extent necessary and
7 available to finance the cost of such increases for the
8 following year and such amount shall be transferred as of the
9 end of each year beginning with the year 1969 to a Fund account
10 designated as the Supplementary Payment Reserve from the
11 Interest and Investment Reserve set forth in Section 5-207.

12 In the event the funds in the Supplementary Payment Reserve
13 in any year arising from: (1) the interest income accruing in
14 the preceding year above 4% a year and (2) the contributions by
15 retired persons are insufficient to make the total payments to
16 all persons entitled to the annuity specified in this Section
17 and (3) any interest earnings over 4% a year beginning with the
18 year 1969 which were not previously used to finance such
19 increases and which were transferred to the Prior Service
20 Annuity Reserve, may be used to the extent necessary and
21 available to provide sufficient funds to finance such increases
22 for the current year and such sums shall be transferred from
23 the Prior Service Annuity Reserve. In the event the total money
24 available in the Supplementary Payment Reserve from such
25 sources are insufficient to make the total payments to all
26 persons entitled to such increases for the year, a

1 proportionate amount computed as the ratio of the money
2 available to the total of the total payments specified for that
3 year shall be paid to each person for that year.

4 The Fund shall be obligated for the payment of the
5 increases in annuity as provided for in this Section only to
6 the extent that the assets for such purpose are available.

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

8 (40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

9 Sec. 5-168. Financing.

10 (a) Except as expressly provided in this Section, the city
11 shall levy a tax annually upon all taxable property therein for
12 the purpose of providing revenue for the fund.

13 The tax shall be at a rate that will produce a sum which,
14 when added to the amounts deducted from the policemen's
15 salaries and the amounts deposited in accordance with
16 subsection (g), is sufficient for the purposes of the fund.

17 For the years 1968 and 1969, the city council shall levy a
18 tax annually at a rate on the dollar of the assessed valuation
19 of all taxable property that will produce, when extended, not
20 to exceed \$9,700,000. Beginning with the year 1970 and through
21 2014, the city council shall levy a tax annually at a rate on
22 the dollar of the assessed valuation of all taxable property
23 that will produce when extended an amount not to exceed the
24 total amount of contributions by the policemen to the Fund made
25 in the calendar year 2 years before the year for which the

1 applicable annual tax is levied, multiplied by 1.40 for the tax
2 levy year 1970; by 1.50 for the year 1971; by 1.65 for 1972; by
3 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975 through 1981;
4 by 2.00 for 1982 and for each tax levy year through 2014.
5 Beginning in tax levy year 2015, the city council shall levy a
6 tax annually at a rate on the dollar of the assessed valuation
7 of all taxable property that will produce when extended an
8 annual amount that is equal to no less than the amount of the
9 city's contribution in each of the following payment years: for
10 2016, \$420,000,000; for 2017, \$464,000,000; for 2018,
11 \$500,000,000; for 2019, \$557,000,000; for 2020, \$579,000,000.

12 Beginning in tax levy year 2020, the city council shall
13 levy a tax annually at a rate on the dollar of the assessed
14 valuation of all taxable property that will produce when
15 extended an annual amount that is equal to no less than (1) the
16 normal cost to the Fund, plus (2) an annual amount sufficient
17 to bring the total assets of the Fund up to 90% of the total
18 actuarial liabilities of the Fund by the end of fiscal year
19 2055 ~~2040~~, as annually updated and determined by an enrolled
20 actuary employed by the Illinois Department of Insurance or by
21 an enrolled actuary retained by the Fund ~~or the city~~. In making
22 these determinations, the required minimum employer
23 contribution shall be calculated each year as a level
24 percentage of payroll over the years remaining up to and
25 including fiscal year 2055 ~~2040~~ and shall be determined under
26 the entry age normal actuarial cost method. Beginning in

1 payment year 2056, the city's total required contribution in
2 that year and each year thereafter shall be an annual amount
3 that is equal to no less than (1) the normal cost of the Fund,
4 plus (2) the annual amount determined by an enrolled actuary
5 employed by the Illinois Department of Insurance or by an
6 enrolled actuary retained by the Fund to be equal to the
7 amount, if any, needed to bring the total actuarial assets of
8 the Fund up to 90% of the total actuarial liabilities of the
9 Fund as of the end of the year, utilizing the entry age normal
10 cost method as provided above ~~projected unit credit actuarial~~
11 ~~cost method.~~

12 For the purposes of this subsection (a), contributions by
13 the policeman to the Fund shall not include payments made by a
14 policeman to establish credit under Section 5-214.2 of this
15 Code.

16 (a-5) For purposes of determining the required employer
17 contribution to the Fund, the value of the Fund's assets shall
18 be equal to the actuarial value of the Fund's assets, which
19 shall be calculated as follows:

20 (1) On March 30, 2011, the actuarial value of the
21 Fund's assets shall be equal to the market value of the
22 assets as of that date.

23 (2) In determining the actuarial value of the Fund's
24 assets for fiscal years after March 30, 2011, any actuarial
25 gains or losses from investment return incurred in a fiscal
26 year shall be recognized in equal annual amounts over the

1 5-year period following that fiscal year.

2 (a-7) If the city fails to transmit to the Fund
3 contributions required of it under this Article for more than
4 90 days after the payment of those contributions is due, the
5 Fund shall ~~may~~, after giving notice to the city, certify to the
6 State Comptroller the amounts of the delinquent payments, and
7 the Comptroller must, beginning in fiscal year 2016, deduct and
8 deposit into the Fund the certified amounts or a portion of
9 those amounts from the following proportions of grants of State
10 funds to the city:

11 (1) in fiscal year 2016, one-third of the total amount
12 of any grants of State funds to the city;

13 (2) in fiscal year 2017, two-thirds of the total amount
14 of any grants of State funds to the city; and

15 (3) in fiscal year 2018 and each fiscal year
16 thereafter, the total amount of any grants of State funds
17 to the city.

18 The State Comptroller may not deduct from any grants of
19 State funds to the city more than the amount of delinquent
20 payments certified to the State Comptroller by the Fund.

21 (b) The tax shall be levied and collected in like manner
22 with the general taxes of the city, and is in addition to all
23 other taxes which the city is now or may hereafter be
24 authorized to levy upon all taxable property therein, and is
25 exclusive of and in addition to the amount of tax the city is
26 now or may hereafter be authorized to levy for general purposes

1 under any law which may limit the amount of tax which the city
2 may levy for general purposes. The county clerk of the county
3 in which the city is located, in reducing tax levies under
4 Section 8-3-1 of the Illinois Municipal Code, shall not
5 consider the tax herein authorized as a part of the general tax
6 levy for city purposes, and shall not include the tax in any
7 limitation of the percent of the assessed valuation upon which
8 taxes are required to be extended for the city.

9 (c) On or before January 10 of each year, the board shall
10 notify the city council of the requirement that the tax herein
11 authorized be levied by the city council for that current year.
12 The board shall compute the amounts necessary for the purposes
13 of this fund to be credited to the reserves established and
14 maintained within the fund; shall make an annual determination
15 of the amount of the required city contributions; and shall
16 certify the results thereof to the city council.

17 As soon as any revenue derived from the tax is collected it
18 shall be paid to the city treasurer of the city and shall be
19 held by him for the benefit of the fund in accordance with this
20 Article.

21 (d) If the funds available are insufficient during any year
22 to meet the requirements of this Article, the city may issue
23 tax anticipation warrants against the tax levy for the current
24 fiscal year.

25 (e) The various sums, including interest, to be contributed
26 by the city, shall be taken from the revenue derived from such

1 tax or otherwise as expressly provided in this Section. Any
2 moneys of the city derived from any source other than the tax
3 herein authorized shall not be used for any purpose of the fund
4 nor the cost of administration thereof, unless applied to make
5 the deposit expressly authorized in this Section or the
6 additional city contributions required under subsection (h).

7 (f) If it is not possible or practicable for the city to
8 make its contributions at the time that salary deductions are
9 made, the city shall make such contributions as soon as
10 possible thereafter, with interest thereon to the time it is
11 made.

12 (g) In lieu of levying all or a portion of the tax required
13 under this Section in any year, the city may deposit with the
14 city treasurer no later than March 1 of that year for the
15 benefit of the fund, to be held in accordance with this
16 Article, an amount that, together with the taxes levied under
17 this Section for that year, is not less than the amount of the
18 city contributions for that year as certified by the board to
19 the city council. The deposit may be derived from any source
20 legally available for that purpose, including, but not limited
21 to, the proceeds of city borrowings. The making of a deposit
22 shall satisfy fully the requirements of this Section for that
23 year to the extent of the amounts so deposited. Amounts
24 deposited under this subsection may be used by the fund for any
25 of the purposes for which the proceeds of the tax levied under
26 this Section may be used, including the payment of any amount

1 that is otherwise required by this Article to be paid from the
2 proceeds of that tax.

3 (h) In addition to the contributions required under the
4 other provisions of this Article, by November 1 of the
5 following specified years, the city shall deposit with the city
6 treasurer for the benefit of the fund, to be held and used in
7 accordance with this Article, the following specified amounts:
8 \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001;
9 \$5,040,000 in 2002; and \$4,620,000 in 2003.

10 The additional city contributions required under this
11 subsection are intended to decrease the unfunded liability of
12 the fund and shall not decrease the amount of the city
13 contributions required under the other provisions of this
14 Article. The additional city contributions made under this
15 subsection may be used by the fund for any of its lawful
16 purposes.

17 (i) Any proceeds received by the city in relation to the
18 operation of a casino or casinos within the city shall be
19 expended by the city for payment to the Policemen's Annuity and
20 Benefit Fund of Chicago to satisfy the city contribution
21 obligation in any year.

22 (Source: P.A. 95-1036, eff. 2-17-09; 96-1495, eff. 1-1-11.)

23 (40 ILCS 5/5-168.2 new)

24 Sec. 5-168.2. Funding obligation.

25 (a) Beginning January 1, 2016, the city shall be obligated

1 to contribute to the Fund in each fiscal year an amount not
2 less than the amount determined annually under subsection (a)
3 of Section 5-168 of this Code. Notwithstanding any other
4 provision of law, if the city fails to pay the amount
5 guaranteed under this Section on or before December 31 of the
6 year in which such amount is due, the Fund may bring a mandamus
7 action in the Circuit Court of Cook County to compel the city
8 to make the required payment, irrespective of other remedies
9 that may be available to the Fund. The obligations and causes
10 of action created under this Section shall be in addition to
11 any other right or remedy otherwise accorded by common law or
12 State or federal law, and nothing in this Section shall be
13 construed to deny, abrogate, impair, or waive any such common
14 law or statutory right or remedy.

15 (b) In ordering the city to make the required payment, the
16 court may order a reasonable payment schedule to enable the
17 city to make the required payment without significantly
18 imperilling the public health, safety, or welfare. Any payments
19 required to be made by the city pursuant to this Section are
20 expressly subordinated to the payment of the principal,
21 interest, premium, if any, and other payments on or related to
22 any bonded debt obligation of the city, either currently
23 outstanding or to be issued, for which the source of repayment
24 or security thereon is derived directly or indirectly from any
25 funds collected or received by the city. Payments on such
26 bonded obligations include any statutory fund transfers or

1 other prefunding mechanisms or formulas set forth, now or
2 hereafter, in State law, city ordinance, or bond indentures,
3 into debt service funds or accounts of the city related to such
4 bonded obligations, consistent with the payment schedules
5 associated with such obligations.

6 (40 ILCS 5/6-128.2) (from Ch. 108 1/2, par. 6-128.2)

7 Sec. 6-128.2. Minimum retirement annuities.

8 (a) Beginning with the monthly payment due in January,
9 1988, the monthly annuity payment for any person who is
10 entitled to receive a retirement annuity under this Article in
11 January, 1990 and has retired from service at age 50 or over
12 with 20 or more years of service, and for any person who
13 retires from service on or after January 24, 1990 at age 50 or
14 over with 20 or more years of service, shall not be less than
15 \$475 per month. The \$475 minimum annuity is exclusive of any
16 automatic annual increases provided by Sections 6-164 and
17 6-164.1, but not exclusive of previous raises in the minimum
18 annuity as provided by any Section of this Article.

19 Beginning January 1, 1992, the minimum retirement annuity
20 payable to any person who has retired from service at age 50 or
21 over with 20 or more years of service and is entitled to
22 receive a retirement annuity under this Article on that date,
23 or who retires from service at age 50 or over with 20 or more
24 years of service after that date, shall be \$650 per month.

25 Beginning January 1, 1993, the minimum retirement annuity

1 payable to any person who has retired from service at age 50 or
2 over with 20 or more years of service and is entitled to
3 receive a retirement annuity under this Article on that date,
4 or who retires from service at age 50 or over with 20 or more
5 years of service after that date, shall be \$750 per month.

6 Beginning January 1, 1994, the minimum retirement annuity
7 payable to any person who has retired from service at age 50 or
8 over with 20 or more years of service and is entitled to
9 receive a retirement annuity under this Article on that date,
10 or who retires from service at age 50 or over with 20 or more
11 years of service after that date, shall be \$850 per month.

12 Beginning January 1, 2004, the minimum retirement annuity
13 payable to any person who has retired from service at age 50 or
14 over with 20 or more years of service and is entitled to
15 receive a retirement annuity under this Article on that date,
16 or who retires from service at age 50 or over with 20 or more
17 years of service after that date, shall be \$950 per month.

18 Beginning January 1, 2005, the minimum retirement annuity
19 payable to any person who has retired from service at age 50 or
20 over with 20 or more years of service and is entitled to
21 receive a retirement annuity under this Article on that date,
22 or who retires from service at age 50 or over with 20 or more
23 years of service after that date, shall be \$1,050 per month.

24 Beginning January 1, 2016, the minimum retirement annuity
25 payable to any person who has retired from service at age 50 or
26 over with 20 or more years of service and is entitled to

1 receive a retirement annuity under this Article on that date,
2 or who retires from service at age 50 or over with 20 or more
3 years of service after that date, shall be no less than 125% of
4 the Federal Poverty Level. For purposes of this Section, the
5 "Federal Poverty Level" shall be determined pursuant to the
6 poverty guidelines updated periodically in the Federal
7 Register by the United States Department of Health and Human
8 Services under the authority of 42 U.S.C. 9902(2).

9 The minimum annuities established by this subsection (a) do
10 include previous raises in the minimum annuity as provided by
11 any Section of this Article, but do not include any sums which
12 have been added or will be added to annuity payments by the
13 automatic annual increases provided by Sections 6-164 and
14 6-164.1. Such annual increases shall be paid in addition to the
15 minimum amounts specified in this subsection.

16 (b) Notwithstanding any other provision of this Article,
17 beginning January 1, 1990, the minimum retirement annuity
18 payable to any person who is entitled to receive a retirement
19 annuity under this Article on that date shall be \$475 per
20 month.

21 (c) The changes made to this Section by this amendatory Act
22 of the 93rd General Assembly apply to all persons receiving a
23 retirement annuity under this Article, without regard to
24 whether the retirement of the fireman occurred prior to the
25 effective date of this amendatory Act.

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

1 (40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)

2 Sec. 6-165. Financing; tax.

3 (a) Except as expressly provided in this Section, each city
4 shall levy a tax annually upon all taxable property therein for
5 the purpose of providing revenue for the fund. For the years
6 prior to the year 1960, the tax rate shall be as provided for
7 in the "Firemen's Annuity and Benefit Fund of the Illinois
8 Municipal Code". The tax, from and after January 1, 1968 to and
9 including the year 1971, shall not exceed .0863% of the value,
10 as equalized or assessed by the Department of Revenue, of all
11 taxable property in the city. Beginning with the year 1972 and
12 through 2014, the city shall levy a tax annually at a rate on
13 the dollar of the value, as equalized or assessed by the
14 Department of Revenue of all taxable property within such city
15 that will produce, when extended, not to exceed an amount equal
16 to the total amount of contributions by the employees to the
17 fund made in the calendar year 2 years prior to the year for
18 which the annual applicable tax is levied, multiplied by 2.23
19 through the calendar year 1981, and by 2.26 for the year 1982
20 and for each tax levy year through 2014. Beginning in tax levy
21 year 2015, the city council shall levy a tax annually at a rate
22 on the dollar of the assessed valuation of all taxable property
23 that will produce when extended an annual amount that is equal
24 to no less than the amount of the city's contribution in each
25 of the following payment years: for 2016, \$199,000,000; for

1 2017, \$208,000,000; for 2018, \$227,000,000; for 2019,
2 \$235,000,000; for 2020, \$245,000,000.

3 Beginning in tax levy year 2020, the city council shall
4 levy a tax annually at a rate on the dollar of the assessed
5 valuation of all taxable property that will produce when
6 extended an annual amount that is equal to no less than (1) the
7 normal cost to the Fund, plus (2) an annual amount sufficient
8 to bring the total assets of the Fund up to 90% of the total
9 actuarial liabilities of the Fund by the end of fiscal year
10 2055 ~~2040~~, as annually updated and determined by an enrolled
11 actuary employed by the Illinois Department of Insurance or by
12 an enrolled actuary retained by the Fund or the city. In making
13 these determinations, the required minimum employer
14 contribution shall be calculated each year as a level
15 percentage of payroll over the years remaining up to and
16 including fiscal year 2055 ~~2040~~ and shall be determined under
17 the entry age normal actuarial cost method. Beginning in
18 payment year 2056, the city's required contribution in that
19 year and for each year thereafter shall be an annual amount
20 that is equal to no less than (1) the normal cost to the Fund,
21 plus (2) the annual amount determined by an enrolled actuary
22 employed by the Illinois Department of Insurance or by an
23 enrolled actuary retained by the Fund to be equal to the
24 amount, if any, needed to bring the total actuarial assets of
25 the Fund up to 90% of the total actuarial liabilities of the
26 Fund as of the end of the year, utilizing the entry age normal

1 actuarial cost method as provided above ~~projected unit credit~~
2 ~~actuarial cost method.~~

3 To provide revenue for the ordinary death benefit
4 established by Section 6-150 of this Article, in addition to
5 the contributions by the firemen for this purpose, the city
6 council shall for the year 1962 and each year thereafter
7 annually levy a tax, which shall be in addition to and
8 exclusive of the taxes authorized to be levied under the
9 foregoing provisions of this Section, upon all taxable property
10 in the city, as equalized or assessed by the Department of
11 Revenue, at such rate per cent of the value of such property as
12 shall be sufficient to produce for each year the sum of
13 \$142,000.

14 The amounts produced by the taxes levied annually, together
15 with the deposit expressly authorized in this Section, shall be
16 sufficient, when added to the amounts deducted from the
17 salaries of firemen and applied to the fund, to provide for the
18 purposes of the fund.

19 (a-5) For purposes of determining the required employer
20 contribution to the Fund, the value of the Fund's assets shall
21 be equal to the actuarial value of the Fund's assets, which
22 shall be calculated as follows:

23 (1) On March 30, 2011, the actuarial value of the
24 Fund's assets shall be equal to the market value of the
25 assets as of that date.

26 (2) In determining the actuarial value of the Fund's

1 assets for fiscal years after March 30, 2011, any actuarial
2 gains or losses from investment return incurred in a fiscal
3 year shall be recognized in equal annual amounts over the
4 5-year period following that fiscal year.

5 (a-7) If the city fails to transmit to the Fund
6 contributions required of it under this Article for more than
7 90 days after the payment of those contributions is due, the
8 Fund shall ~~may~~, after giving notice to the city, certify to the
9 State Comptroller the amounts of the delinquent payments, and
10 the Comptroller must, beginning in fiscal year 2016, deduct and
11 deposit into the Fund the certified amounts or a portion of
12 those amounts from the following proportions of grants of State
13 funds to the city:

14 (1) in fiscal year 2016, one-third of the total amount
15 of any grants of State funds to the city;

16 (2) in fiscal year 2017, two-thirds of the total amount
17 of any grants of State funds to the city; and

18 (3) in fiscal year 2018 and each fiscal year
19 thereafter, the total amount of any grants of State funds
20 to the city.

21 The State Comptroller may not deduct from any grants of
22 State funds to the city more than the amount of delinquent
23 payments certified to the State Comptroller by the Fund.

24 (b) The taxes shall be levied and collected in like manner
25 with the general taxes of the city, and shall be in addition to
26 all other taxes which the city may levy upon all taxable

1 property therein and shall be exclusive of and in addition to
2 the amount of tax the city may levy for general purposes under
3 Section 8-3-1 of the Illinois Municipal Code, approved May 29,
4 1961, as amended, or under any other law or laws which may
5 limit the amount of tax which the city may levy for general
6 purposes.

7 (c) The amounts of the taxes to be levied in each year
8 shall be certified to the city council by the board.

9 (d) As soon as any revenue derived from such taxes is
10 collected, it shall be paid to the city treasurer and held for
11 the benefit of the fund, and all such revenue shall be paid
12 into the fund in accordance with the provisions of this
13 Article.

14 (e) If the funds available are insufficient during any year
15 to meet the requirements of this Article, the city may issue
16 tax anticipation warrants, against the tax levies herein
17 authorized for the current fiscal year.

18 (f) The various sums, hereinafter stated, including
19 interest, to be contributed by the city, shall be taken from
20 the revenue derived from the taxes or otherwise as expressly
21 provided in this Section. Except for defraying the cost of
22 administration of the fund during the calendar year in which a
23 city first attains a population of 500,000 and comes under the
24 provisions of this Article and the first calendar year
25 thereafter, any money of the city derived from any source other
26 than these taxes or the sale of tax anticipation warrants shall

1 not be used to provide revenue for the fund, nor to pay any
2 part of the cost of administration thereof, unless applied to
3 make the deposit expressly authorized in this Section or the
4 additional city contributions required under subsection (h).

5 (g) In lieu of levying all or a portion of the tax required
6 under this Section in any year, the city may deposit with the
7 city treasurer no later than March 1 of that year for the
8 benefit of the fund, to be held in accordance with this
9 Article, an amount that, together with the taxes levied under
10 this Section for that year, is not less than the amount of the
11 city contributions for that year as certified by the board to
12 the city council. The deposit may be derived from any source
13 legally available for that purpose, including, but not limited
14 to, the proceeds of city borrowings. The making of a deposit
15 shall satisfy fully the requirements of this Section for that
16 year to the extent of the amounts so deposited. Amounts
17 deposited under this subsection may be used by the fund for any
18 of the purposes for which the proceeds of the taxes levied
19 under this Section may be used, including the payment of any
20 amount that is otherwise required by this Article to be paid
21 from the proceeds of those taxes.

22 (h) In addition to the contributions required under the
23 other provisions of this Article, by November 1 of the
24 following specified years, the city shall deposit with the city
25 treasurer for the benefit of the fund, to be held and used in
26 accordance with this Article, the following specified amounts:

1 \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001;
2 \$5,040,000 in 2002; and \$4,620,000 in 2003.

3 The additional city contributions required under this
4 subsection are intended to decrease the unfunded liability of
5 the fund and shall not decrease the amount of the city
6 contributions required under the other provisions of this
7 Article. The additional city contributions made under this
8 subsection may be used by the fund for any of its lawful
9 purposes.

10 (i) Any proceeds received by the city in relation to the
11 operation of a casino or casinos within the city shall be
12 expended by the city for payment to the Firemen's Annuity and
13 Benefit Fund of Chicago to satisfy the city contribution
14 obligation in any year.

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

16 (40 ILCS 5/6-165.2 new)

17 Sec. 6-165.2. Funding Obligation.

18 (a) Beginning January 1, 2016, the city shall be obligated
19 to contribute to the Fund in each fiscal year an amount not
20 less than the amount determined annually under subsection (a)
21 of Section 6-165 of this Code. Notwithstanding any other
22 provision of law, if the city fails to pay the amount
23 guaranteed under this Section on or before December 31 of the
24 year in which such amount is due, the Fund may bring a mandamus
25 action in the Circuit Court of Cook County to compel the city

1 to make the required payment, irrespective of other remedies
2 that may be available to the Fund. The obligations and causes
3 of action created under this Section shall be in addition to
4 any other right or remedy otherwise accorded by common law or
5 State or federal law, and nothing in this Section shall be
6 construed to deny, abrogate, impair, or waive any such common
7 law or statutory right or remedy.

8 (b) In ordering the city to make the required payment, the
9 court may order a reasonable payment schedule to enable the
10 city to make the required payment without significantly
11 imperilling the public health, safety, or welfare. Any payments
12 required to be made by the city pursuant to this Section are
13 expressly subordinated to the payment of the principal,
14 interest, premium, if any, and other payments on or related to
15 any bonded debt obligation of the city, either currently
16 outstanding or to be issued, for which the source of repayment
17 or security thereon is derived directly or indirectly from any
18 funds collected or received by the city or collected or
19 received on behalf of the city. Payments on such bonded
20 obligations include any statutory fund transfers or other
21 prefunding mechanisms or formulas set forth, now or hereafter,
22 in State law, city ordinance, or bond indentures, into debt
23 service funds or accounts of the city related to such bonded
24 obligations, consistent with the payment schedules associated
25 with such obligations.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".