



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1179

Introduced 2/11/2009, by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/17-116

from Ch. 108 1/2, par. 17-116

30 ILCS 805/8.33 new

Amends the Chicago Teacher Article of the Illinois Pension Code. Raises the maximum allowable service retirement pension from 75% to 80% of average salary. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 03514 AMC 13539 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 17-116 as follows:

6 (40 ILCS 5/17-116) (from Ch. 108 1/2, par. 17-116)  
7 Sec. 17-116. Service retirement pension.

8 (a) Each teacher having 20 years of service upon attainment  
9 of age 55, or who thereafter attains age 55 shall be entitled  
10 to a service retirement pension upon or after attainment of age  
11 55; and each teacher in service on or after July 1, 1971, with  
12 5 or more but less than 20 years of service shall be entitled  
13 to receive a service retirement pension upon or after  
14 attainment of age 62.

15 (b) The service retirement pension for a teacher who  
16 retires on or after June 25, 1971, at age 60 or over, shall be  
17 calculated as follows:

18 (1) For creditable service earned before July 1, 1998  
19 that has not been augmented under Section 17-119.1: 1.67%  
20 for each of the first 10 years of service; 1.90% for each  
21 of the next 10 years of service; 2.10% for each year of  
22 service in excess of 20 but not exceeding 30; and 2.30% for  
23 each year of service in excess of 30, based upon average

1 salary as herein defined.

2 (2) For creditable service earned on or after July 1,  
3 1998 by a member who has at least 30 years of creditable  
4 service on July 1, 1998 and who does not elect to augment  
5 service under Section 17-119.1: 2.3% of average salary for  
6 each year of creditable service earned on or after July 1,  
7 1998.

8 (3) For all other creditable service: 2.2% of average  
9 salary for each year of creditable service.

10 (c) When computing such service retirement pensions, the  
11 following conditions shall apply:

12 1. Average salary shall consist of the average annual  
13 rate of salary for the 4 consecutive years of validated  
14 service within the last 10 years of service when such  
15 average annual rate was highest. In the determination of  
16 average salary for retirement allowance purposes, for  
17 members who commenced employment after August 31, 1979,  
18 that part of the salary for any year shall be excluded  
19 which exceeds the annual full-time salary rate for the  
20 preceding year by more than 20%. In the case of a member  
21 who commenced employment before August 31, 1979 and who  
22 receives salary during any year after September 1, 1983  
23 which exceeds the annual full time salary rate for the  
24 preceding year by more than 20%, an Employer and other  
25 employers of eligible contributors as defined in Section  
26 17-106 shall pay to the Fund an amount equal to the present

1 value of the additional service retirement pension  
2 resulting from such excess salary. The present value of the  
3 additional service retirement pension shall be computed by  
4 the Board on the basis of actuarial tables adopted by the  
5 Board. If a member elects to receive a pension from this  
6 Fund provided by Section 20-121, his salary under the State  
7 Universities Retirement System and the Teachers'  
8 Retirement System of the State of Illinois shall be  
9 considered in determining such average salary. Amounts  
10 paid after the effective date of this amendatory Act of  
11 1991 for unused vacation time earned after that effective  
12 date shall not under any circumstances be included in the  
13 calculation of average salary or the annual rate of salary  
14 for the purposes of this Article.

15 2. Proportionate credit shall be given for validated  
16 service of less than one year.

17 3. For retirement at age 60 or over the pension shall  
18 be payable at the full rate.

19 4. For separation from service below age 60 to a  
20 minimum age of 55, the pension shall be discounted at the  
21 rate of 1/2 of one per cent for each month that the age of  
22 the contributor is less than 60, but a teacher may elect to  
23 defer the effective date of pension in order to eliminate  
24 or reduce this discount. This discount shall not be  
25 applicable to any participant who has at least 34 years of  
26 service or a retirement pension of at least 74.6% of

1 average salary on the date the retirement annuity begins.

2 5. No additional pension shall be granted for service  
3 exceeding 45 years. Beginning June 26, 1971 and through  
4 June 30, 2009 no pension shall exceed the greater of \$1,500  
5 per month or 75% of average salary as herein defined.  
6 Beginning July 1, 2009, no pension shall exceed 80% of  
7 average salary as herein defined.

8 6. Service retirement pensions shall begin on the  
9 effective date of resignation, retirement, the day  
10 following the close of the payroll period for which service  
11 credit was validated, or the time the person resigning or  
12 retiring attains age 55, or on a date elected by the  
13 teacher, whichever shall be latest.

14 7. A member who is eligible to receive a retirement  
15 pension of at least 74.6% of average salary and will attain  
16 age 55 on or before December 31 during the year which  
17 commences on July 1 shall be deemed to attain age 55 on the  
18 preceding June 1.

19 8. A member retiring after the effective date of this  
20 amendatory Act of 1998 shall receive a pension equal to 75%  
21 of average salary if the member is qualified to receive a  
22 retirement pension equal to at least 74.6% of average  
23 salary under this Article or as proportional annuities  
24 under Article 20 of this Code.

25 (Source: P.A. 90-566, eff. 1-2-98; 90-582, eff. 5-27-98.)

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.