



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5183

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-128.2	from Ch. 108 1/2, par. 6-128.2
40 ILCS 5/6-128.4	from Ch. 108 1/2, par. 6-128.4
30 ILCS 805/8.42 new	

Amends the Chicago Firefighter Article of the Illinois Pension Code. Beginning January 1, 2019, increases the amount of the minimum retirement annuity for certain firemen and the minimum widow's annuity to 150% (instead of 125%) of the federal poverty level. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB100 19054 RPS 34308 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections 6-128.2 and 6-128.4 as follows:

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

1 years of service after that date, shall be \$650 per month.

2 Beginning January 1, 1993, the minimum retirement annuity
3 payable to any person who has retired from service at age 50 or
4 over with 20 or more years of service and is entitled to
5 receive a retirement annuity under this Article on that date,
6 or who retires from service at age 50 or over with 20 or more
7 years of service after that date, shall be \$750 per month.

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

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

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

26 Beginning January 1, 2016, 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 no less than 125% of
6 the Federal Poverty Level.

7 Beginning January 1, 2019, the minimum retirement annuity
8 payable to any person who has retired from service at age 50 or
9 over with 20 or more years of service and is entitled to
10 receive a retirement annuity under this Article on that date,
11 or who retires from service at age 50 or over with 20 or more
12 years of service after that date, shall be no less than 150% of
13 the Federal Poverty Level.

14 For purposes of this Section, the "Federal Poverty Level"
15 shall be determined pursuant to the poverty guidelines updated
16 periodically in the Federal Register by the United States
17 Department of Health and Human Services under the authority of
18 42 U.S.C. 9902(2).

19 The minimum annuities established by this subsection (a) do
20 include previous raises in the minimum annuity as provided by
21 any Section of this Article, but do not include any sums which
22 have been added or will be added to annuity payments by the
23 automatic annual increases provided by Sections 6-164 and
24 6-164.1. Such annual increases shall be paid in addition to the
25 minimum amounts specified in this subsection.

26 (b) Notwithstanding any other provision of this Article,

1 beginning January 1, 1990, the minimum retirement annuity
2 payable to any person who is entitled to receive a retirement
3 annuity under this Article on that date shall be \$475 per
4 month.

5 (c) The changes made to this Section by this amendatory Act
6 of the 93rd General Assembly apply to all persons receiving a
7 retirement annuity under this Article, without regard to
8 whether the retirement of the fireman occurred prior to the
9 effective date of this amendatory Act.

10 (Source: P.A. 99-506, eff. 5-30-16.)

11 (40 ILCS 5/6-128.4) (from Ch. 108 1/2, par. 6-128.4)

12 Sec. 6-128.4. Minimum widow's annuities.

13 (a) Notwithstanding any other provision of this Article,
14 beginning January 1, 1996, the minimum amount of widow's
15 annuity payable to any person who is entitled to receive a
16 widow's annuity under this Article is \$700 per month, without
17 regard to whether the deceased fireman is in service on or
18 after the effective date of this amendatory Act of 1995.

19 (b) Notwithstanding Section 6-128.3, beginning January 1,
20 1994, the minimum widow's annuity under this Article shall be
21 \$700 per month for (1) all persons receiving widow's annuities
22 on that date who are survivors of employees who retired at age
23 50 or over with at least 20 years of service, and (2) persons
24 who become eligible for widow's annuities and are survivors of
25 employees who retired at age 50 or over with at least 20 years

1 of service.

2 (c) Notwithstanding Section 6-128.3, beginning January 1,
3 1999, the minimum widow's annuity under this Article shall be
4 \$800 per month for (1) all persons receiving widow's annuities
5 on that date who are survivors of employees who retired at age
6 50 or over with at least 20 years of service, and (2) persons
7 who become eligible for widow's annuities and are survivors of
8 employees who retired at age 50 or over with at least 20 years
9 of service.

10 (d) Notwithstanding Section 6-128.3, beginning January 1,
11 2004, the minimum widow's annuity under this Article shall be
12 \$900 per month for all persons receiving widow's annuities on
13 or after that date, without regard to whether the deceased
14 fireman is in service on or after the effective date of this
15 amendatory Act of the 93rd General Assembly.

16 (e) Notwithstanding Section 6-128.3, beginning January 1,
17 2005, the minimum widow's annuity under this Article shall be
18 \$1,000 per month for all persons receiving widow's annuities on
19 or after that date, without regard to whether the deceased
20 fireman is in service on or after the effective date of this
21 amendatory Act of the 93rd General Assembly.

22 (f) Notwithstanding Section 6-128.3, beginning January 1,
23 2017, the minimum widow's annuity under this Article shall be
24 no less than 125% of the Federal Poverty Level for all persons
25 receiving widow's annuities on or after that date, without
26 regard to whether the deceased fireman is in service on or

1 after the effective date of this amendatory Act of the 99th
2 General Assembly.

3 (g) Notwithstanding Section 6-128.3, beginning January 1,
4 2019, the minimum widow's annuity under this Article shall be
5 no less than 150% of the Federal Poverty Level for all persons
6 receiving widow's annuities on or after that date, without
7 regard to whether the deceased fireman is in service on or
8 after the effective date of this amendatory Act of the 100th
9 General Assembly.

10 (h) For purposes of this Section, "Federal Poverty Level"
11 means the poverty guidelines applicable to an individual in a
12 single-person household located in Illinois, as updated
13 periodically in the Federal Register by the United States
14 Department of Health and Human Services under the authority of
15 42 U.S.C. 9902(2).

16 (Source: P.A. 99-905, eff. 11-29-16.)

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.42 as follows:

19 (30 ILCS 805/8.42 new)

20 Sec. 8.42. 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 100th General Assembly.

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

1 becoming law.