



Rep. Daniel J. Burke

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1 AMENDMENT TO HOUSE BILL 5183

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5183 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, 5-167.4, 6-128.2, 6-128.4, and  
6 7-109.3 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 Beginning with the monthly annuity payment due on January  
18 1, 2019, the fixed and granted monthly annuity payment for any  
19 policeman who retired from the service before January 1, 2019,  
20 at age 50 or over with 20 or more years of service, and for any  
21 policeman who retired from service due to termination of  
22 disability and who is entitled to an annuity on January 1,  
23 2019, shall be no less than 150% of the Federal Poverty Level.

24 For purposes of this Section, the "Federal Poverty Level"  
25 shall be determined pursuant to the poverty guidelines updated  
26 periodically in the Federal Register by the United States

1 Department of Health and Human Services under the authority of  
2 42 U.S.C. 9902(2).

3 The difference in amount between the original fixed and  
4 granted monthly annuity of any such policeman on the date of  
5 his retirement from the service and the monthly annuity  
6 provided for in the immediately preceding paragraph shall be  
7 paid as a supplement in the manner set forth in the immediately  
8 following paragraph.

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

19 In the event the funds in the Supplementary Payment Reserve  
20 in any year arising from: (1) the interest income accruing in  
21 the preceding year above 4% a year and (2) the contributions by  
22 retired persons are insufficient to make the total payments to  
23 all persons entitled to the annuity specified in this Section  
24 and (3) any interest earnings over 4% a year beginning with the  
25 year 1969 which were not previously used to finance such  
26 increases and which were transferred to the Prior Service

1 Annuity Reserve, may be used to the extent necessary and  
2 available to provide sufficient funds to finance such increases  
3 for the current year and such sums shall be transferred from  
4 the Prior Service Annuity Reserve. In the event the total money  
5 available in the Supplementary Payment Reserve from such  
6 sources are insufficient to make the total payments to all  
7 persons entitled to such increases for the year, a  
8 proportionate amount computed as the ratio of the money  
9 available to the total of the total payments specified for that  
10 year shall be paid to each person for that year.

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

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

15 (40 ILCS 5/5-167.4) (from Ch. 108 1/2, par. 5-167.4)

16 Sec. 5-167.4. Widow annuitant minimum annuity.

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

23 Notwithstanding any other provision of this Article,  
24 beginning January 1, 1999, the minimum amount of widow's  
25 annuity payable to any person who is entitled to receive a

1 widow's annuity under this Article is \$800 per month, without  
2 regard to whether the deceased policeman is in service on or  
3 after the effective date of this amendatory Act of 1998.

4 Notwithstanding any other provision of this Article,  
5 beginning January 1, 2004, the minimum amount of widow's  
6 annuity payable to any person who is entitled to receive a  
7 widow's annuity under this Article is \$900 per month, without  
8 regard to whether the deceased policeman is in service on or  
9 after the effective date of this amendatory Act of the 93rd  
10 General Assembly.

11 Notwithstanding any other provision of this Article,  
12 beginning January 1, 2005, the minimum amount of widow's  
13 annuity payable to any person who is entitled to receive a  
14 widow's annuity under this Article is \$1,000 per month, without  
15 regard to whether the deceased policeman is in service on or  
16 after the effective date of this amendatory Act of the 93rd  
17 General Assembly.

18 (b) Effective January 1, 1994, the minimum amount of  
19 widow's annuity shall be \$700 per month for the following  
20 classes of widows, without regard to whether the deceased  
21 policeman is in service on or after the effective date of this  
22 amendatory Act of 1993: (1) the widow of a policeman who dies  
23 in service with at least 10 years of service credit, or who  
24 dies in service after June 30, 1981; and (2) the widow of a  
25 policeman who withdraws from service with 20 or more years of  
26 service credit and does not withdraw a refund, provided that

1 the widow is married to the policeman before he withdraws from  
2 service.

3 (b-5) Notwithstanding any other provision of this Article,  
4 beginning January 1, 2017, the minimum widow's annuity under  
5 this Article shall be no less than 125% of the Federal Poverty  
6 Level for all persons receiving widow's annuities on or after  
7 that date, without regard to whether the deceased policeman is  
8 in service on or after the effective date of this amendatory  
9 Act of the 99th General Assembly. Notwithstanding any other  
10 provision of this Article, beginning January 1, 2019, the  
11 minimum widow's annuity under this Article shall be no less  
12 than 150% of the Federal Poverty Level for all persons  
13 receiving widow's annuities on or after that date, without  
14 regard to whether the deceased policeman is in service on or  
15 after the effective date of this amendatory Act of the 100th  
16 General Assembly. For purposes of this Section, "Federal  
17 Poverty Level" means the poverty guidelines applicable to an  
18 individual in a single-person household located in Illinois, as  
19 updated periodically in the Federal Register by the United  
20 States Department of Health and Human Services under the  
21 authority of 42 U.S.C. 9902(2).

22 (c) The city, in addition to the contributions otherwise  
23 made by it under the other provisions of this Article, shall  
24 make such contributions as are necessary for the minimum  
25 widow's annuities provided under this Section in the manner  
26 prescribed in Section 5-175.



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

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

3 Sec. 6-128.2. Minimum retirement annuities.

4 (a) Beginning with the monthly payment due in January,  
5 1988, the monthly annuity payment for any person who is  
6 entitled to receive a retirement annuity under this Article in  
7 January, 1990 and has retired from service at age 50 or over  
8 with 20 or more years of service, and for any person who  
9 retires from service on or after January 24, 1990 at age 50 or  
10 over with 20 or more years of service, shall not be less than  
11 \$475 per month. The \$475 minimum annuity is exclusive of any  
12 automatic annual increases provided by Sections 6-164 and  
13 6-164.1, but not exclusive of previous raises in the minimum  
14 annuity as provided by any Section of this Article.

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

21 Beginning January 1, 1993, the minimum retirement annuity  
22 payable to any person who has retired from service at age 50 or  
23 over with 20 or more years of service and is entitled to  
24 receive a retirement annuity under this Article on that date,  
25 or who retires from service at age 50 or over with 20 or more

1 years of service after that date, shall be \$750 per month.

2 Beginning January 1, 1994, 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 \$850 per month.

8 Beginning January 1, 2004, 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 \$950 per month.

14 Beginning January 1, 2005, 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 \$1,050 per month.

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

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

8        For purposes of this Section, the "Federal Poverty Level"  
9 shall be determined pursuant to the poverty guidelines updated  
10 periodically in the Federal Register by the United States  
11 Department of Health and Human Services under the authority of  
12 42 U.S.C. 9902(2).

13        The minimum annuities established by this subsection (a) do  
14 include previous raises in the minimum annuity as provided by  
15 any Section of this Article, but do not include any sums which  
16 have been added or will be added to annuity payments by the  
17 automatic annual increases provided by Sections 6-164 and  
18 6-164.1. Such annual increases shall be paid in addition to the  
19 minimum amounts specified in this subsection.

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

25        (c) The changes made to this Section by this amendatory Act  
26 of the 93rd General Assembly apply to all persons receiving a

1 retirement annuity under this Article, without regard to  
2 whether the retirement of the fireman occurred prior to the  
3 effective date of this amendatory Act.

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

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

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

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

13 (b) Notwithstanding Section 6-128.3, beginning January 1,  
14 1994, the minimum widow's annuity under this Article shall be  
15 \$700 per month for (1) all persons receiving widow's annuities  
16 on that date who are survivors of employees who retired at age  
17 50 or over with at least 20 years of service, and (2) persons  
18 who become eligible for widow's annuities and are survivors of  
19 employees who retired at age 50 or over with at least 20 years  
20 of service.

21 (c) Notwithstanding Section 6-128.3, beginning January 1,  
22 1999, the minimum widow's annuity under this Article shall be  
23 \$800 per month for (1) all persons receiving widow's annuities  
24 on that date who are survivors of employees who retired at age  
25 50 or over with at least 20 years of service, and (2) persons

1 who become eligible for widow's annuities and are survivors of  
2 employees who retired at age 50 or over with at least 20 years  
3 of service.

4 (d) Notwithstanding Section 6-128.3, beginning January 1,  
5 2004, the minimum widow's annuity under this Article shall be  
6 \$900 per month for all persons receiving widow's annuities on  
7 or after that date, without regard to whether the deceased  
8 fireman is in service on or after the effective date of this  
9 amendatory Act of the 93rd General Assembly.

10 (e) Notwithstanding Section 6-128.3, beginning January 1,  
11 2005, the minimum widow's annuity under this Article shall be  
12 \$1,000 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 (f) Notwithstanding Section 6-128.3, beginning January 1,  
17 2017, the minimum widow's annuity under this Article shall be  
18 no less than 125% of the Federal Poverty Level for all persons  
19 receiving widow's annuities on or after that date, without  
20 regard to whether the deceased fireman is in service on or  
21 after the effective date of this amendatory Act of the 99th  
22 General Assembly.

23 (g) Notwithstanding Section 6-128.3, beginning January 1,  
24 2019, the minimum widow's annuity under this Article shall be  
25 no less than 150% of the Federal Poverty Level for all persons  
26 receiving widow's annuities on or after that date, without

1 regard to whether the deceased fireman is in service on or  
2 after the effective date of this amendatory Act of the 100th  
3 General Assembly.

4 (h) For purposes of this Section, "Federal Poverty Level"  
5 means the poverty guidelines applicable to an individual in a  
6 single-person household located in Illinois, as updated  
7 periodically in the Federal Register by the United States  
8 Department of Health and Human Services under the authority of  
9 42 U.S.C. 9902(2).

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

11 (40 ILCS 5/7-109.3) (from Ch. 108 1/2, par. 7-109.3)  
12 Sec. 7-109.3. "Sheriff's Law Enforcement Employees".

13 (a) "Sheriff's law enforcement employee" or "SLEP" means:

14 (1) A county sheriff and all deputies, other than  
15 special deputies, employed on a full time basis in the  
16 office of the sheriff.

17 (2) A person who has elected to participate in this  
18 Fund under Section 3-109.1 of this Code, and who is  
19 employed by a participating municipality to perform police  
20 duties.

21 (3) A law enforcement officer employed on a full time  
22 basis by a Forest Preserve District, provided that such  
23 officer shall be deemed a "sheriff's law enforcement  
24 employee" for the purposes of this Article, and service in  
25 that capacity shall be deemed to be service as a sheriff's

1 law enforcement employee, only if the board of  
2 commissioners of the District have so elected by adoption  
3 of an affirmative resolution. Such election, once made, may  
4 not be rescinded.

5 (4) A person not eligible to participate in a fund  
6 established under Article 3 of this Code who is employed on  
7 a full-time basis by a participating municipality or  
8 participating instrumentality to perform police duties at  
9 an airport, but only if the governing authority of the  
10 employer has approved sheriff's law enforcement employee  
11 status for its airport police employees by adoption of an  
12 affirmative resolution. Such approval, once given, may not  
13 be rescinded.

14 (5) A person who (i) is employed by a participating  
15 municipality that has both 30 or more full-time police  
16 officers and 50 or more full-time firefighters and has not  
17 established a fund under Article 3 or Article 4 of this  
18 Code and (ii) is employed on a full-time basis by that  
19 participating municipality to perform police duties or  
20 firefighting and EMS duties; but only if the governing  
21 authority of that municipality has approved sheriff's law  
22 enforcement employee status for its police officer or  
23 firefighter employees by adoption of an affirmative  
24 resolution. The resolution must specify that SLEP status  
25 shall be applicable to such employment occurring on or  
26 after the adoption of the resolution. Such resolution shall

1 be irrevocable, but shall automatically terminate upon the  
2 establishment of an Article 3 or 4 fund by the  
3 municipality.

4 (6) A person hired on or after January 1, 2011 who is  
5 not eligible to participate in a fund established under  
6 Article 4 and is employed on a full-time basis by a  
7 participating municipality to perform duties as a  
8 paramedic, emergency medical technician (EMT), emergency  
9 medical technician-intermediate (EMT-I), or advanced  
10 emergency medical technician (A-EMT), but only if the  
11 governing authority of that municipality has approved SLEP  
12 status for its paramedic, EMT, EMT-I, and A-EMT employees  
13 by adoption of an affirmative resolution. The resolution  
14 must specify that SLEP status shall be applicable to such  
15 employment occurring on or after the adoption of the  
16 resolution. Such resolution shall be irrevocable.

17 (b) An employee who is a sheriff's law enforcement employee  
18 and is granted military leave or authorized leave of absence  
19 shall receive service credit in that capacity. Sheriff's law  
20 enforcement employees shall not be entitled to out-of-State  
21 service credit under Section 7-139.

22 (Source: P.A. 100-354, eff. 8-25-17.)

23 Section 90. The State Mandates Act is amended by adding  
24 Section 8.42 as follows:



1 (30 ILCS 805/8.42 new)

2 Sec. 8.42. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by this amendatory Act of  
5 the 100th General Assembly.

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