



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB5561**

Introduced 01/27/06, by Rep. Kevin Joyce

**SYNOPSIS AS INTRODUCED:**

40 ILCS 5/6-128  
30 ILCS 805/8.30 new

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

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.

LRB094 17417 AMC 52712 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  
24 21, 1959. Each future entrant who has completed 23 years of  
25 service before reaching age 53 shall have added to this annuity  
26 1% of average salary for each completed year of service or  
27 fraction thereof in excess of 23 years up to age 53.

28 (b) In lieu of the annuity provided in the foregoing  
29 provisions of this Section any future entrant who withdraws  
30 from the service either (i) after December 31, 1983 with at  
31 least 22 years of service credit and having attained age 52 in  
32 the service, or (ii) after December 31, 1984 with at least 21

1 years of service credit and having attained age 51 in the  
2 service, or (iii) after December 31, 1985 with at least 20  
3 years of service credit and having attained age 50 in the  
4 service, or (iv) after December 31, 1990 with at least 20 years  
5 of service regardless of age, may elect to receive an annuity,  
6 to begin not earlier than upon attainment of age 50 if under  
7 that age at withdrawal, computed as follows: an annuity equal  
8 to 50% of average salary, plus additional annuity equal to 2%  
9 of average salary for each completed year of service or  
10 fraction thereof rendered after his completion of the minimum  
11 number of years of service required for him to be eligible  
12 under this subsection (b). However, the annuity provided under  
13 this subsection (b) may not exceed 75% of average salary.

14 (c) In lieu of the annuity provided in any other provision  
15 of this Section, a future entrant who withdraws from service  
16 after the effective date of this amendatory Act of the 93rd  
17 General Assembly with at least 20 years of service may elect to  
18 receive an annuity, to begin no earlier than upon attainment of  
19 age 50 if under that age at withdrawal, equal to 50% of average  
20 salary plus 2.5% of average salary for each completed year of  
21 service or fraction thereof over 20, but not to exceed 75% of  
22 average salary.

23 (d) For the purpose of this Section, "average salary"  
24 means:

25 (1) for persons who terminate service before the  
26 effective date of this amendatory Act of the 94th General  
27 Assembly, the average of the highest 4 consecutive years of  
28 salary within the last 10 years of service; or.

29 (2) for persons in service on or after the effective  
30 date of this amendatory Act of the 94th General Assembly,  
31 the average of the highest 36 consecutive months of salary  
32 within the last 10 years of service.

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

34 Section 90. The State Mandates Act is amended by adding  
35 Section 8.30 as follows:

1 (30 ILCS 805/8.30 new)

2 Sec. 8.30. 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 94th General Assembly.

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