



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5286

Introduced 2/3/2010, by Rep. Joseph M. Lyons

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-114

from Ch. 108 1/2, par. 5-114

30 ILCS 805/8.34 new

Amends the Chicago Police Article of the Illinois Pension Code. Provides that, for a policeman assigned to a non-civil service position in the police department on or after the effective date of the amendatory Act, annual salary means the total salary derived from appropriations applicable to the civil service rank only. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 18767 AMC 34152 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 Section 5-114 as follows:

6 (40 ILCS 5/5-114) (from Ch. 108 1/2, par. 5-114)

7 Sec. 5-114. Salary. "Salary":

8 (a) Annual salary, provided that \$2,600 shall be the  
9 maximum amount of salary to be considered for any purpose under  
10 this Act prior to July 1, 1927.

11 (b) Annual salary, provided that \$3,000 shall be the  
12 maximum amount of salary to be considered for any purpose under  
13 this Act from July 1, 1927 to July 1, 1931.

14 (c) Annual salary, provided that the annual salary shall be  
15 considered for age and service annuity, minimum annuity and  
16 disability benefits and \$3,000 shall be the maximum amount of  
17 salary to be considered for prior service annuity, widow's  
18 annuity, widow's prior service annuity and child's annuity from  
19 July 1, 1931 to July 1, 1933.

20 (d) Beginning July 1, 1933, annual salary of a policeman  
21 appropriated for members of his rank or grade in the city's  
22 annual budget or appropriation bill, subject to the following:

23 (1) For age and service annuity, minimum annuity and

1           disability benefits, the amount of annual salary without  
2           limitation.

3           (2) For prior service annuity, widow's annuity,  
4           widow's prior service annuity and child's annuity from July  
5           1, 1933 to July 1, 1957, the amount of annual salary up to  
6           a maximum of \$3,000; beginning July 1, 1957, for such  
7           annuities, the amount of annual salary without limitation.

8           (3) When the salary appropriated is for a definite  
9           period of service of less than 12 months in any one year,  
10          disability benefits shall be computed on a daily wage basis  
11          computed by dividing the amount appropriated by 365.

12          (e) For a policeman assigned to a non-civil service  
13          position as provided in Section 5-174 from and after January 1,  
14          1970 and until the effective date of this amendatory Act of the  
15          96th General Assembly, (with the hereinafter stated excess not  
16          considered as salary for any purpose of this Article for any of  
17          the years prior to 1970 except to the extent provided by the  
18          election in Section 5-174), annual salary means the total  
19          salary derived from appropriations applicable to the civil  
20          service rank plus the excess over such amount paid for service  
21          in the non-civil service position.

22          For a policeman assigned to a non-civil service position as  
23          provided in Section 5-174 on or after the effective date of  
24          this amendatory Act of the 96th General Assembly, annual salary  
25          means the total salary derived from appropriations applicable  
26          to the civil service rank only.

1 (f) Beginning January 1, 1998, the salary of a policeman,  
2 as calculated under subsection (d), shall include any duty  
3 availability allowance received by the policeman.

4 An active or former policeman who (1) either retired  
5 between July 1, 1994 and December 31, 1997, both inclusive, or  
6 attained or will attain age 50 and 20 years of service between  
7 July 1, 1994 and January 1, 2002, both inclusive, and (2)  
8 received a duty availability allowance at any time after June  
9 30, 1994 and before January 1, 1998 may elect to have that duty  
10 availability allowance included in the calculation of his or  
11 her salary under subsection (d) for all or any portion of that  
12 period for which the allowance was received, by applying in  
13 writing and paying to the Fund, no earlier than January 1, 1998  
14 and no later than July 1, 1998, the corresponding employee  
15 contribution, without interest. Thereafter the City shall make  
16 its corresponding contribution, without interest.

17 This subsection (f) applies without regard to whether the  
18 applicant terminated service or began to receive a retirement  
19 annuity before the effective date of this amendatory Act of  
20 1997. In the case of a person who is receiving a retirement  
21 annuity at the time the application and contribution are  
22 received by the Fund, the annuity shall be recalculated and the  
23 resulting increase shall become payable on the next annuity  
24 payment date following the date the contribution is received by  
25 the Fund.

26 (Source: P.A. 90-551, eff. 12-12-97.)

1           Section 90. The State Mandates Act is amended by adding  
2           Section 8.34 as follows:

3           (30 ILCS 805/8.34 new)

4           Sec. 8.34. 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.