92 HB2691ham001

LRB9202367LDtmam

- 1 AMENDMENT TO HOUSE BILL 2691
- 2 AMENDMENT NO. ____. Amend House Bill 2691 by replacing
- 3 everything after the enacting clause with the following:
- 4 "Section 5. The Illinois Pension Code is amended by
- 5 adding Section 5-129.1 and changing Section 5-144 as follows:
- 6 (40 ILCS 5/5-129.1 new)
- Sec. 5-129.1. Withdrawal at mandatory retirement age -
- 8 <u>amount of annuity.</u>
- 9 (a) In lieu of any annuity provided in the other
- 10 provisions of this Article, a policeman who is required to
- 11 <u>withdraw from service due to attainment of mandatory</u>
- 12 <u>retirement age and has less than 20 years of service credit</u>
- 13 may elect to receive an annuity equal to 30% of average
- 14 salary for the first 10 years of service plus 2% of average
- 15 <u>salary for each completed year of service or fraction thereof</u>
- in excess of 10, but not to exceed a maximum of 48% of
- 17 <u>average salary.</u>
- (b) For the purpose of this Section, "average salary"
- 19 means the average of the highest 4 consecutive years of
- 20 salary within the last 10 years of service, or such shorter
- 21 <u>period as may be used to calculate a minimum retirement</u>
- 22 annuity under Section 5-132.

- 1 (c) For the purpose of qualifying for the annual
- 2 <u>increases provided in Section 5-167.1</u>, a policeman whose
- 3 retirement annuity is calculated under this Section shall be
- 4 <u>deemed to qualify for a minimum annuity.</u>
- 5 (40 ILCS 5/5-144) (from Ch. 108 1/2, par. 5-144)
- 6 Sec. 5-144. Death from injury in the performance of acts
- 7 of duty; compensation annuity and supplemental annuity.
- 8 (a) Beginning January 1, 1986, and without regard to
- 9 whether or not the annuity in question began before that
- 10 date, if the annuity for the widow of a policeman whose
- 11 death, on or after January 1, 1940, results from injury
- 12 incurred in the performance of an act or acts of duty, is not
- 13 equal to the sum hereinafter stated, "compensation annuity"
- 14 equal to the difference between the annuity and an amount
- 15 equal to 75% of the policeman's salary attached to the
- 16 position he held by certification and appointment as a result
- 17 of competitive civil service examination that would
- 18 ordinarily have been paid to him as though he were in active
- 19 discharge of his duties shall be payable to the widow until
- the policeman, had he lived, would have attained age 63. The
- 21 total amount of the widow's annuity and children's awards
- 22 payable to the family of such policeman shall not exceed the
- amounts stated in Section 5-152.
- 24 The provisions of this Section, as amended by Public Act
- 25 84-1104, including the reference to the date upon which the
- deceased policeman would have attained age 63, shall apply to
- 27 all widows of policemen whose death occurs on or after
- January 1, 1940 due to injury incurred in the performance of
- 29 an act of duty, regardless of whether such death occurred
- 30 prior to September 17, 1969. For those widows of policemen
- 31 that died prior to September 17, 1969, who became eligible
- for compensation annuity by the action of Public Act 84-1104,
- 33 such compensation annuity shall begin and be calculated from

- 1 January 1, 1986. The provisions of this amendatory Act of
- 2 1987 are intended to restate and clarify the intent of Public
- 3 Act 84-1104, and do not make any substantive change.
- 4 (b) Upon termination of the compensation annuity,
- 5 "supplemental annuity" shall become payable to the widow,
- 6 equal to the difference between the annuity for the widow and
- 7 an amount equal to 75% 50% of the annual salary (including
- 8 all salary increases and longevity raises) that the policeman
- 9 would have been receiving when he attained age 63 if the
- 10 policeman had continued in service at the same rank (whether
- 11 career service or exempt) that he last held in the police
- 12 department. The increase in supplemental annuity resulting
- 13 from this amendatory Act of the 92nd General Assembly 1995
- 14 applies without regard to whether the deceased policeman was
- in service on or after the effective date of this amendatory
- 16 Act and is payable from January 1, 2002 1996 or the date upon
- which the supplemental annuity begins, whichever is later.
- 18 (c) Neither compensation nor supplemental annuity shall
- 19 be paid unless the death of the policeman was a direct result
- of the injury, or the injury was of such character as to
- 21 prevent him from subsequently resuming service as a
- 22 policeman; nor shall compensation or supplemental annuity be
- 23 paid unless the widow was the wife of the policeman when the
- 24 injury occurred.
- 25 (Source: P.A. 89-12, eff. 4-20-95.)
- Section 90. The State Mandates Act is amended by adding
- 27 Section 8.26 as follows:
- 28 (30 ILCS 805/8.26 new)
- 29 <u>Sec. 8.26. Exempt mandate. Notwithstanding Sections 6</u>
- 30 and 8 of this Act, no reimbursement by the State is required
- 31 for the implementation of any mandate created by this
- 32 <u>amendatory Act of the 92nd General Assembly.</u>

- 1 Section 99. Effective date. This Act takes effect upon
- 2 becoming law.".