



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4814**

by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-114

from Ch. 108 1/2, par. 4-114

30 ILCS 805/8.42 new

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that if a person who first becomes a firefighter under the Article on or after January 1, 2011 and who is not receiving a disability pension under specified provisions dies for specified reasons, then a pension shall be paid to his or her survivors in the amount equal to the greater of (i) 54% of the firefighter's monthly salary at the date of death, or (ii) 66 2/3% of the firefighter's earned pension at the date of death (rather than the amount of 66 2/3% of the firefighter's earned pension at the date of death). Provides that the changes apply without regard to whether the deceased firefighter was in service on or after the effective date of the amendatory Act. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB100 18788 MJP 34026 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 4-114 as follows:

6 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

7 Sec. 4-114. Pension to survivors. If a firefighter who is  
8 not receiving a disability pension under Section 4-110 or  
9 4-110.1 dies (1) as a result of any illness or accident, or (2)  
10 from any cause while in receipt of a disability pension under  
11 this Article, or (3) during retirement after 20 years service,  
12 or (4) while vested for or in receipt of a pension payable  
13 under subsection (b) of Section 4-109, or (5) while a deferred  
14 pensioner, having made all required contributions, a pension  
15 shall be paid to his or her survivors, based on the monthly  
16 salary attached to the firefighter's rank on the last day of  
17 service in the fire department, as follows:

18 (a) (1) To the surviving spouse, a monthly pension of  
19 40% of the monthly salary, and if there is a surviving  
20 spouse, to the guardian of any minor child or children  
21 including a child which has been conceived but not yet  
22 born, 12% of such monthly salary for each such child until  
23 attainment of age 18 or until the child's marriage,

1           whichever occurs first. Beginning July 1, 1993, the monthly  
2           pension to the surviving spouse shall be 54% of the monthly  
3           salary for all persons receiving a surviving spouse pension  
4           under this Article, regardless of whether the deceased  
5           firefighter was in service on or after the effective date  
6           of this amendatory Act of 1993.

7           (2) Beginning July 1, 2004, unless the amount provided  
8           under paragraph (1) of this subsection (a) is greater, the  
9           total monthly pension payable under this paragraph (a),  
10          including any amount payable on account of children, to the  
11          surviving spouse of a firefighter who died (i) while  
12          receiving a retirement pension, (ii) while he or she was a  
13          deferred pensioner with at least 20 years of creditable  
14          service, or (iii) while he or she was in active service  
15          having at least 20 years of creditable service, regardless  
16          of age, shall be no less than 100% of the monthly  
17          retirement pension earned by the deceased firefighter at  
18          the time of death, regardless of whether death occurs  
19          before or after attainment of age 50, including any  
20          increases under Section 4-109.1. This minimum applies to  
21          all such surviving spouses who are eligible to receive a  
22          surviving spouse pension, regardless of whether the  
23          deceased firefighter was in service on or after the  
24          effective date of this amendatory Act of the 93rd General  
25          Assembly, and notwithstanding any limitation on maximum  
26          pension under paragraph (d) or any other provision of this

1 Article.

2 (3) If the pension paid on and after July 1, 2004 to  
3 the surviving spouse of a firefighter who died on or after  
4 July 1, 2004 and before the effective date of this  
5 amendatory Act of the 93rd General Assembly was less than  
6 the minimum pension payable under paragraph (1) or (2) of  
7 this subsection (a), the fund shall pay a lump sum equal to  
8 the difference within 90 days after the effective date of  
9 this amendatory Act of the 93rd General Assembly.

10 The pension to the surviving spouse shall terminate in  
11 the event of the surviving spouse's remarriage prior to  
12 July 1, 1993; remarriage on or after that date does not  
13 affect the surviving spouse's pension, regardless of  
14 whether the deceased firefighter was in service on or after  
15 the effective date of this amendatory Act of 1993.

16 The surviving spouse's pension shall be subject to the  
17 minimum established in Section 4-109.2.

18 (b) Upon the death of the surviving spouse leaving one  
19 or more minor children, or upon the death of a firefighter  
20 leaving one or more minor children but no surviving spouse,  
21 to the duly appointed guardian of each such child, for  
22 support and maintenance of each such child until the child  
23 reaches age 18 or marries, whichever occurs first, a  
24 monthly pension of 20% of the monthly salary.

25 In a case where the deceased firefighter left one or  
26 more minor children but no surviving spouse and the

1 guardian of a child is receiving a pension of 12% of the  
2 monthly salary on August 16, 2013 (the effective date of  
3 Public Act 98-391), the pension is increased by Public Act  
4 98-391 to 20% of the monthly salary for each such child,  
5 beginning on the pension payment date occurring on or next  
6 following August 16, 2013. The changes to this Section made  
7 by Public Act 98-391 apply without regard to whether the  
8 deceased firefighter was in service on or after August 16,  
9 2013.

10 (c) If a deceased firefighter leaves no surviving  
11 spouse or unmarried minor children under age 18, but leaves  
12 a dependent father or mother, to each dependent parent a  
13 monthly pension of 18% of the monthly salary. To qualify  
14 for the pension, a dependent parent must furnish  
15 satisfactory proof that the deceased firefighter was at the  
16 time of his or her death the sole supporter of the parent  
17 or that the parent was the deceased's dependent for federal  
18 income tax purposes.

19 (d) The total pension provided under paragraphs (a),  
20 (b) and (c) of this Section shall not exceed 75% of the  
21 monthly salary of the deceased firefighter (1) when paid to  
22 the survivor of a firefighter who has attained 20 or more  
23 years of service credit and who receives or is eligible to  
24 receive a retirement pension under this Article, or (2)  
25 when paid to the survivor of a firefighter who dies as a  
26 result of illness or accident, or (3) when paid to the

1 survivor of a firefighter who dies from any cause while in  
2 receipt of a disability pension under this Article, or (4)  
3 when paid to the survivor of a deferred pensioner. For all  
4 other survivors of deceased firefighters, the total  
5 pension provided under paragraphs (a), (b) and (c) of this  
6 Section shall not exceed 50% of the retirement annuity the  
7 firefighter would have received on the date of death.

8 The maximum pension limitations in this paragraph (d)  
9 do not control over any contrary provision of this Article  
10 explicitly establishing a minimum amount of pension or  
11 granting a one-time or annual increase in pension.

12 (e) If a firefighter leaves no eligible survivors under  
13 paragraphs (a), (b) and (c), the board shall refund to the  
14 firefighter's estate the amount of his or her accumulated  
15 contributions, less the amount of pension payments, if any,  
16 made to the firefighter while living.

17 (f) (Blank).

18 (g) If a judgment of dissolution of marriage between a  
19 firefighter and spouse is judicially set aside subsequent  
20 to the firefighter's death, the surviving spouse is  
21 eligible for the pension provided in paragraph (a) only if  
22 the judicial proceedings are filed within 2 years after the  
23 date of the dissolution of marriage and within one year  
24 after the firefighter's death and the board is made a party  
25 to the proceedings. In such case the pension shall be  
26 payable only from the date of the court's order setting

1           aside the judgment of dissolution of marriage.

2           (h) Benefits payable on account of a child under this  
3           Section shall not be reduced or terminated by reason of the  
4           child's attainment of age 18 if he or she is then dependent  
5           by reason of a physical or mental disability but shall  
6           continue to be paid as long as such dependency continues.  
7           Individuals over the age of 18 and adjudged as a disabled  
8           person pursuant to Article XIa of the Probate Act of 1975,  
9           except for persons receiving benefits under Article III of  
10          the Illinois Public Aid Code, shall be eligible to receive  
11          benefits under this Act.

12          (i) Beginning January 1, 2000, the pension of the  
13          surviving spouse of a firefighter who dies on or after  
14          January 1, 1994 as a result of sickness, accident, or  
15          injury incurred in or resulting from the performance of an  
16          act of duty or from the cumulative effects of acts of duty  
17          shall not be less than 100% of the salary attached to the  
18          rank held by the deceased firefighter on the last day of  
19          service, notwithstanding subsection (d) or any other  
20          provision of this Article.

21          (j) Beginning July 1, 2004, the pension of the  
22          surviving spouse of a firefighter who dies on or after  
23          January 1, 1988 as a result of sickness, accident, or  
24          injury incurred in or resulting from the performance of an  
25          act of duty or from the cumulative effects of acts of duty  
26          shall not be less than 100% of the salary attached to the

1 rank held by the deceased firefighter on the last day of  
2 service, notwithstanding subsection (d) or any other  
3 provision of this Article.

4 Notwithstanding any other provision of this Article, if a  
5 person who first becomes a firefighter under this Article on or  
6 after January 1, 2011 and who is not receiving a disability  
7 pension under Section 4-110 or 4-110.1 dies (1) as a result of  
8 any illness or accident, (2) from any cause while in receipt of  
9 a disability pension under this Article, (3) during retirement  
10 after 20 years service, (4) while vested for or in receipt of a  
11 pension payable under subsection (b) of Section 4-109, or (5)  
12 while a deferred pensioner, having made all required  
13 contributions, then a pension shall be paid to his or her  
14 survivors in the amount equal to the greater of (i) 54% of the  
15 firefighter's monthly salary at the date of death, or (ii) ~~of~~  
16 66 2/3% of the firefighter's earned pension at the date of  
17 death. Nothing in this Section shall act to diminish the  
18 survivor's benefits described in subsection (j) of this  
19 Section. Notwithstanding Section 1-103.1, the changes made to  
20 this subsection apply without regard to whether the deceased  
21 firefighter was in service on or after the effective date of  
22 this amendatory Act of the 100th General Assembly.

23 Notwithstanding any other provision of this Article, the  
24 monthly pension of a survivor of a person who first becomes a  
25 firefighter under this Article on or after January 1, 2011  
26 shall be increased on the January 1 after attainment of age 60



1 by the recipient of the survivor's pension and each January 1  
2 thereafter by 3% or one-half the annual unadjusted percentage  
3 increase in the consumer price index-u for the 12 months ending  
4 with the September preceding each November 1, whichever is  
5 less, of the originally granted survivor's pension. If the  
6 annual unadjusted percentage change in the consumer price  
7 index-u for a 12-month period ending in September is zero or,  
8 when compared with the preceding period, decreases, then the  
9 survivor's pension shall not be increased.

10 For the purposes of this Section, "consumer price index-u"  
11 means the index published by the Bureau of Labor Statistics of  
12 the United States Department of Labor that measures the average  
13 change in prices of goods and services purchased by all urban  
14 consumers, United States city average, all items, 1982-84 =  
15 100. The new amount resulting from each annual adjustment shall  
16 be determined by the Public Pension Division of the Department  
17 of Insurance and made available to the boards of the pension  
18 funds.

19 (Source: P.A. 98-391, eff. 8-16-13; 98-756, eff. 7-16-14.)

20 Section 90. The State Mandates Act is amended by adding  
21 Section 8.42 as follows:

22 (30 ILCS 805/8.42 new)

23 Sec. 8.42. Exempt mandate. Notwithstanding Sections 6 and 8  
24 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of  
2 the 100th General Assembly.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.