

1 only each non-home rule taxing district having the majority of
2 its 1990 equalized assessed value within any county or counties
3 contiguous to a county with 3,000,000 or more inhabitants.
4 Beginning with the 1995 levy year, "taxing district" includes
5 only each non-home rule taxing district subject to this Law
6 before the 1995 levy year and each non-home rule taxing
7 district not subject to this Law before the 1995 levy year
8 having the majority of its 1994 equalized assessed value in an
9 affected county or counties. Beginning with the levy year in
10 which this Law becomes applicable to a taxing district as
11 provided in Section 18-213, "taxing district" also includes
12 those taxing districts made subject to this Law as provided in
13 Section 18-213.

14 "Aggregate extension" for taxing districts to which this
15 Law applied before the 1995 levy year means the annual
16 corporate extension for the taxing district and those special
17 purpose extensions that are made annually for the taxing
18 district, excluding special purpose extensions: (a) made for
19 the taxing district to pay interest or principal on general
20 obligation bonds that were approved by referendum; (b) made for
21 any taxing district to pay interest or principal on general
22 obligation bonds issued before October 1, 1991; (c) made for
23 any taxing district to pay interest or principal on bonds
24 issued to refund or continue to refund those bonds issued
25 before October 1, 1991; (d) made for any taxing district to pay
26 interest or principal on bonds issued to refund or continue to
27 refund bonds issued after October 1, 1991 that were approved by
28 referendum; (e) made for any taxing district to pay interest or
29 principal on revenue bonds issued before October 1, 1991 for
30 payment of which a property tax levy or the full faith and
31 credit of the unit of local government is pledged; however, a
32 tax for the payment of interest or principal on those bonds
33 shall be made only after the governing body of the unit of
34 local government finds that all other sources for payment are

1 insufficient to make those payments; (f) made for payments
2 under a building commission lease when the lease payments are
3 for the retirement of bonds issued by the commission before
4 October 1, 1991, to pay for the building project; (g) made for
5 payments due under installment contracts entered into before
6 October 1, 1991; (h) made for payments of principal and
7 interest on bonds issued under the Metropolitan Water
8 Reclamation District Act to finance construction projects
9 initiated before October 1, 1991; (i) made for payments of
10 principal and interest on limited bonds, as defined in Section
11 3 of the Local Government Debt Reform Act, in an amount not to
12 exceed the debt service extension base less the amount in items
13 (b), (c), (e), and (h) of this definition for non-referendum
14 obligations, except obligations initially issued pursuant to
15 referendum; (j) made for payments of principal and interest on
16 bonds issued under Section 15 of the Local Government Debt
17 Reform Act; (k) made by a school district that participates in
18 the Special Education District of Lake County, created by
19 special education joint agreement under Section 10-22.31 of the
20 School Code, for payment of the school district's share of the
21 amounts required to be contributed by the Special Education
22 District of Lake County to the Illinois Municipal Retirement
23 Fund under Article 7 of the Illinois Pension Code; the amount
24 of any extension under this item (k) shall be certified by the
25 school district to the county clerk; ~~and~~ (l) made to fund
26 expenses of providing joint recreational programs for the
27 handicapped under Section 5-8 of the Park District Code or
28 Section 11-95-14 of the Illinois Municipal Code; and (m) made
29 for contributions to a firefighter's pension fund created under
30 Article 4 of the Illinois Pension Code, to the extent of the
31 amount certified under item (5) of Section 4-134 of the
32 Illinois Pension Code.

33 "Aggregate extension" for the taxing districts to which
34 this Law did not apply before the 1995 levy year (except taxing

1 districts subject to this Law in accordance with Section
2 18-213) means the annual corporate extension for the taxing
3 district and those special purpose extensions that are made
4 annually for the taxing district, excluding special purpose
5 extensions: (a) made for the taxing district to pay interest or
6 principal on general obligation bonds that were approved by
7 referendum; (b) made for any taxing district to pay interest or
8 principal on general obligation bonds issued before March 1,
9 1995; (c) made for any taxing district to pay interest or
10 principal on bonds issued to refund or continue to refund those
11 bonds issued before March 1, 1995; (d) made for any taxing
12 district to pay interest or principal on bonds issued to refund
13 or continue to refund bonds issued after March 1, 1995 that
14 were approved by referendum; (e) made for any taxing district
15 to pay interest or principal on revenue bonds issued before
16 March 1, 1995 for payment of which a property tax levy or the
17 full faith and credit of the unit of local government is
18 pledged; however, a tax for the payment of interest or
19 principal on those bonds shall be made only after the governing
20 body of the unit of local government finds that all other
21 sources for payment are insufficient to make those payments;
22 (f) made for payments under a building commission lease when
23 the lease payments are for the retirement of bonds issued by
24 the commission before March 1, 1995 to pay for the building
25 project; (g) made for payments due under installment contracts
26 entered into before March 1, 1995; (h) made for payments of
27 principal and interest on bonds issued under the Metropolitan
28 Water Reclamation District Act to finance construction
29 projects initiated before October 1, 1991; (i) made for
30 payments of principal and interest on limited bonds, as defined
31 in Section 3 of the Local Government Debt Reform Act, in an
32 amount not to exceed the debt service extension base less the
33 amount in items (b), (c), and (e) of this definition for
34 non-referendum obligations, except obligations initially

1 issued pursuant to referendum and bonds described in subsection
2 (h) of this definition; (j) made for payments of principal and
3 interest on bonds issued under Section 15 of the Local
4 Government Debt Reform Act; (k) made for payments of principal
5 and interest on bonds authorized by Public Act 88-503 and
6 issued under Section 20a of the Chicago Park District Act for
7 aquarium or museum projects; (l) made for payments of principal
8 and interest on bonds authorized by Public Act 87-1191 or
9 93-601 ~~this amendatory Act of the 93rd General Assembly~~ and (i)
10 issued pursuant to Section 21.2 of the Cook County Forest
11 Preserve District Act, (ii) issued under Section 42 of the Cook
12 County Forest Preserve District Act for zoological park
13 projects, or (iii) issued under Section 44.1 of the Cook County
14 Forest Preserve District Act for botanical gardens projects;
15 (m) made pursuant to Section 34-53.5 of the School Code,
16 whether levied annually or not; (n) made to fund expenses of
17 providing joint recreational programs for the handicapped
18 under Section 5-8 of the Park District Code or Section 11-95-14
19 of the Illinois Municipal Code; ~~and~~ (o) made by the Chicago
20 Park District for recreational programs for the handicapped
21 under subsection (c) of Section 7.06 of the Chicago Park
22 District Act; and (p) made for contributions to a firefighter's
23 pension fund created under Article 4 of the Illinois Pension
24 Code, to the extent of the amount certified under item (5) of
25 Section 4-134 of the Illinois Pension Code.

26 "Aggregate extension" for all taxing districts to which
27 this Law applies in accordance with Section 18-213, except for
28 those taxing districts subject to paragraph (2) of subsection
29 (e) of Section 18-213, means the annual corporate extension for
30 the taxing district and those special purpose extensions that
31 are made annually for the taxing district, excluding special
32 purpose extensions: (a) made for the taxing district to pay
33 interest or principal on general obligation bonds that were
34 approved by referendum; (b) made for any taxing district to pay

1 interest or principal on general obligation bonds issued before
2 the date on which the referendum making this Law applicable to
3 the taxing district is held; (c) made for any taxing district
4 to pay interest or principal on bonds issued to refund or
5 continue to refund those bonds issued before the date on which
6 the referendum making this Law applicable to the taxing
7 district is held; (d) made for any taxing district to pay
8 interest or principal on bonds issued to refund or continue to
9 refund bonds issued after the date on which the referendum
10 making this Law applicable to the taxing district is held if
11 the bonds were approved by referendum after the date on which
12 the referendum making this Law applicable to the taxing
13 district is held; (e) made for any taxing district to pay
14 interest or principal on revenue bonds issued before the date
15 on which the referendum making this Law applicable to the
16 taxing district is held for payment of which a property tax
17 levy or the full faith and credit of the unit of local
18 government is pledged; however, a tax for the payment of
19 interest or principal on those bonds shall be made only after
20 the governing body of the unit of local government finds that
21 all other sources for payment are insufficient to make those
22 payments; (f) made for payments under a building commission
23 lease when the lease payments are for the retirement of bonds
24 issued by the commission before the date on which the
25 referendum making this Law applicable to the taxing district is
26 held to pay for the building project; (g) made for payments due
27 under installment contracts entered into before the date on
28 which the referendum making this Law applicable to the taxing
29 district is held; (h) made for payments of principal and
30 interest on limited bonds, as defined in Section 3 of the Local
31 Government Debt Reform Act, in an amount not to exceed the debt
32 service extension base less the amount in items (b), (c), and
33 (e) of this definition for non-referendum obligations, except
34 obligations initially issued pursuant to referendum; (i) made

1 for payments of principal and interest on bonds issued under
2 Section 15 of the Local Government Debt Reform Act; (j) made
3 for a qualified airport authority to pay interest or principal
4 on general obligation bonds issued for the purpose of paying
5 obligations due under, or financing airport facilities
6 required to be acquired, constructed, installed or equipped
7 pursuant to, contracts entered into before March 1, 1996 (but
8 not including any amendments to such a contract taking effect
9 on or after that date); ~~and~~ (k) made to fund expenses of
10 providing joint recreational programs for the handicapped
11 under Section 5-8 of the Park District Code or Section 11-95-14
12 of the Illinois Municipal Code; and (l) made for contributions
13 to a firefighter's pension fund created under Article 4 of the
14 Illinois Pension Code, to the extent of the amount certified
15 under item (5) of Section 4-134 of the Illinois Pension Code.

16 "Aggregate extension" for all taxing districts to which
17 this Law applies in accordance with paragraph (2) of subsection
18 (e) of Section 18-213 means the annual corporate extension for
19 the taxing district and those special purpose extensions that
20 are made annually for the taxing district, excluding special
21 purpose extensions: (a) made for the taxing district to pay
22 interest or principal on general obligation bonds that were
23 approved by referendum; (b) made for any taxing district to pay
24 interest or principal on general obligation bonds issued before
25 the effective date of this amendatory Act of 1997; (c) made for
26 any taxing district to pay interest or principal on bonds
27 issued to refund or continue to refund those bonds issued
28 before the effective date of this amendatory Act of 1997; (d)
29 made for any taxing district to pay interest or principal on
30 bonds issued to refund or continue to refund bonds issued after
31 the effective date of this amendatory Act of 1997 if the bonds
32 were approved by referendum after the effective date of this
33 amendatory Act of 1997; (e) made for any taxing district to pay
34 interest or principal on revenue bonds issued before the

1 effective date of this amendatory Act of 1997 for payment of
2 which a property tax levy or the full faith and credit of the
3 unit of local government is pledged; however, a tax for the
4 payment of interest or principal on those bonds shall be made
5 only after the governing body of the unit of local government
6 finds that all other sources for payment are insufficient to
7 make those payments; (f) made for payments under a building
8 commission lease when the lease payments are for the retirement
9 of bonds issued by the commission before the effective date of
10 this amendatory Act of 1997 to pay for the building project;
11 (g) made for payments due under installment contracts entered
12 into before the effective date of this amendatory Act of 1997;
13 (h) made for payments of principal and interest on limited
14 bonds, as defined in Section 3 of the Local Government Debt
15 Reform Act, in an amount not to exceed the debt service
16 extension base less the amount in items (b), (c), and (e) of
17 this definition for non-referendum obligations, except
18 obligations initially issued pursuant to referendum; (i) made
19 for payments of principal and interest on bonds issued under
20 Section 15 of the Local Government Debt Reform Act; (j) made
21 for a qualified airport authority to pay interest or principal
22 on general obligation bonds issued for the purpose of paying
23 obligations due under, or financing airport facilities
24 required to be acquired, constructed, installed or equipped
25 pursuant to, contracts entered into before March 1, 1996 (but
26 not including any amendments to such a contract taking effect
27 on or after that date); ~~and~~ (k) made to fund expenses of
28 providing joint recreational programs for the handicapped
29 under Section 5-8 of the Park District Code or Section 11-95-14
30 of the Illinois Municipal Code; and (l) made for contributions
31 to a firefighter's pension fund created under Article 4 of the
32 Illinois Pension Code, to the extent of the amount certified
33 under item (5) of Section 4-134 of the Illinois Pension Code.

34 "Debt service extension base" means an amount equal to that

1 portion of the extension for a taxing district for the 1994
2 levy year, or for those taxing districts subject to this Law in
3 accordance with Section 18-213, except for those subject to
4 paragraph (2) of subsection (e) of Section 18-213, for the levy
5 year in which the referendum making this Law applicable to the
6 taxing district is held, or for those taxing districts subject
7 to this Law in accordance with paragraph (2) of subsection (e)
8 of Section 18-213 for the 1996 levy year, constituting an
9 extension for payment of principal and interest on bonds issued
10 by the taxing district without referendum, but not including
11 excluded non-referendum bonds. For park districts (i) that were
12 first subject to this Law in 1991 or 1995 and (ii) whose
13 extension for the 1994 levy year for the payment of principal
14 and interest on bonds issued by the park district without
15 referendum (but not including excluded non-referendum bonds)
16 was less than 51% of the amount for the 1991 levy year
17 constituting an extension for payment of principal and interest
18 on bonds issued by the park district without referendum (but
19 not including excluded non-referendum bonds), "debt service
20 extension base" means an amount equal to that portion of the
21 extension for the 1991 levy year constituting an extension for
22 payment of principal and interest on bonds issued by the park
23 district without referendum (but not including excluded
24 non-referendum bonds). The debt service extension base may be
25 established or increased as provided under Section 18-212.
26 "Excluded non-referendum bonds" means (i) bonds authorized by
27 Public Act 88-503 and issued under Section 20a of the Chicago
28 Park District Act for aquarium and museum projects; (ii) bonds
29 issued under Section 15 of the Local Government Debt Reform
30 Act; or (iii) refunding obligations issued to refund or to
31 continue to refund obligations initially issued pursuant to
32 referendum.

33 "Special purpose extensions" include, but are not limited
34 to, extensions for levies made on an annual basis for

1 unemployment and workers' compensation, self-insurance,
2 contributions to pension plans, and extensions made pursuant to
3 Section 6-601 of the Illinois Highway Code for a road
4 district's permanent road fund whether levied annually or not.
5 The extension for a special service area is not included in the
6 aggregate extension.

7 "Aggregate extension base" means the taxing district's
8 last preceding aggregate extension as adjusted under Sections
9 18-215 through 18-230.

10 "Levy year" has the same meaning as "year" under Section
11 1-155.

12 "New property" means (i) the assessed value, after final
13 board of review or board of appeals action, of new improvements
14 or additions to existing improvements on any parcel of real
15 property that increase the assessed value of that real property
16 during the levy year multiplied by the equalization factor
17 issued by the Department under Section 17-30, (ii) the assessed
18 value, after final board of review or board of appeals action,
19 of real property not exempt from real estate taxation, which
20 real property was exempt from real estate taxation for any
21 portion of the immediately preceding levy year, multiplied by
22 the equalization factor issued by the Department under Section
23 17-30, and (iii) in counties that classify in accordance with
24 Section 4 of Article IX of the Illinois Constitution, an
25 incentive property's additional assessed value resulting from
26 a scheduled increase in the level of assessment as applied to
27 the first year final board of review market value. In addition,
28 the county clerk in a county containing a population of
29 3,000,000 or more shall include in the 1997 recovered tax
30 increment value for any school district, any recovered tax
31 increment value that was applicable to the 1995 tax year
32 calculations.

33 "Qualified airport authority" means an airport authority
34 organized under the Airport Authorities Act and located in a

1 county bordering on the State of Wisconsin and having a
2 population in excess of 200,000 and not greater than 500,000.

3 "Recovered tax increment value" means, except as otherwise
4 provided in this paragraph, the amount of the current year's
5 equalized assessed value, in the first year after a
6 municipality terminates the designation of an area as a
7 redevelopment project area previously established under the
8 Tax Increment Allocation Development Act in the Illinois
9 Municipal Code, previously established under the Industrial
10 Jobs Recovery Law in the Illinois Municipal Code, or previously
11 established under the Economic Development Area Tax Increment
12 Allocation Act, of each taxable lot, block, tract, or parcel of
13 real property in the redevelopment project area over and above
14 the initial equalized assessed value of each property in the
15 redevelopment project area. For the taxes which are extended
16 for the 1997 levy year, the recovered tax increment value for a
17 non-home rule taxing district that first became subject to this
18 Law for the 1995 levy year because a majority of its 1994
19 equalized assessed value was in an affected county or counties
20 shall be increased if a municipality terminated the designation
21 of an area in 1993 as a redevelopment project area previously
22 established under the Tax Increment Allocation Development Act
23 in the Illinois Municipal Code, previously established under
24 the Industrial Jobs Recovery Law in the Illinois Municipal
25 Code, or previously established under the Economic Development
26 Area Tax Increment Allocation Act, by an amount equal to the
27 1994 equalized assessed value of each taxable lot, block,
28 tract, or parcel of real property in the redevelopment project
29 area over and above the initial equalized assessed value of
30 each property in the redevelopment project area. In the first
31 year after a municipality removes a taxable lot, block, tract,
32 or parcel of real property from a redevelopment project area
33 established under the Tax Increment Allocation Development Act
34 in the Illinois Municipal Code, the Industrial Jobs Recovery

1 Law in the Illinois Municipal Code, or the Economic Development
2 Area Tax Increment Allocation Act, "recovered tax increment
3 value" means the amount of the current year's equalized
4 assessed value of each taxable lot, block, tract, or parcel of
5 real property removed from the redevelopment project area over
6 and above the initial equalized assessed value of that real
7 property before removal from the redevelopment project area.

8 Except as otherwise provided in this Section, "limiting
9 rate" means a fraction the numerator of which is the last
10 preceding aggregate extension base times an amount equal to one
11 plus the extension limitation defined in this Section and the
12 denominator of which is the current year's equalized assessed
13 value of all real property in the territory under the
14 jurisdiction of the taxing district during the prior levy year.
15 For those taxing districts that reduced their aggregate
16 extension for the last preceding levy year, the highest
17 aggregate extension in any of the last 3 preceding levy years
18 shall be used for the purpose of computing the limiting rate.
19 The denominator shall not include new property. The denominator
20 shall not include the recovered tax increment value.

21 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
22 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised
23 12-10-03.)

24 Section 10. The Illinois Pension Code is amended by
25 changing Sections 4-109.1, 4-109.2, 4-114, 4-118.1, and 4-134
26 and adding Sections 4-108.4, 4-109.3, and 7-139.10 as follows:

27 (40 ILCS 5/4-108.4 new)

28 Sec. 4-108.4. Transfer of creditable service from Article
29 7 fund.

30 (a) Any firefighter who was excluded from participation in
31 an Article 4 fund because the firefighter earned credit for
32 that service under Article 7 of this Code and who is a

1 participant in the Illinois Municipal Retirement Fund may
2 become an active participant in that firefighter pension fund
3 by making a written application to the Board. Persons so
4 applying shall begin participation on the first day of the
5 month following the month in which the application is received
6 by the Board. An employee who makes application for
7 participation shall not be deemed ineligible to participate in
8 the firefighter pension fund by reason of having failed to
9 apply within the 3-month period specified in subsection (b) of
10 Section 4-107.

11 (b) A firefighter who was excluded from participation in an
12 Article 4 fund because the firefighter earned credit for that
13 service under Article 7 of this Code and who is a participant
14 in the Illinois Municipal Retirement Fund may also elect to
15 establish creditable service for those periods of employment as
16 a firefighter during which he or she was excluded from
17 participation in an Article 4 fund by paying into the fund the
18 amount that the person would have contributed had deductions
19 from salary been made for this purpose at the time the service
20 was rendered, together with interest thereon at 6% per annum,
21 compounded annually, from the time the service was rendered
22 until the date of payment, less any amounts transferred from
23 the Illinois Municipal Retirement Fund under Section 7-139.10.

24 (c) In no event shall pension credit for the same service
25 rendered by an employee be accredited in more than one pension
26 fund or retirement system under this Code. If an employee
27 applies for service credit under subsection (b), then any
28 creditable service time accumulated in the Illinois Municipal
29 Retirement Fund for the same period must be transferred to the
30 Article 4 fund under Section 7-139.10.

31 (40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

32 Sec. 4-109.1. Increase in pension.

33 (a) Except as provided in subsection (e), the monthly

1 pension of a firefighter who retires after July 1, 1971 and
2 prior to January 1, 1986, shall, upon either the first of the
3 month following the first anniversary of the date of retirement
4 if 60 years of age or over at retirement date, or upon the
5 first day of the month following attainment of age 60 if it
6 occurs after the first anniversary of retirement, be increased
7 by 2% of the originally granted monthly pension and by an
8 additional 2% in each January thereafter. Effective January
9 1976, the rate of the annual increase shall be 3% of the
10 originally granted monthly pension.

11 (b) The monthly pension of a firefighter who retired from
12 service with 20 or more years of service, on or before July 1,
13 1971, shall be increased, in January of the year following the
14 year of attaining age 65 or in January 1972, if then over age
15 65, by 2% of the originally granted monthly pension, for each
16 year the firefighter received pension payments. In each January
17 thereafter, he or she shall receive an additional increase of
18 2% of the original monthly pension. Effective January 1976, the
19 rate of the annual increase shall be 3%.

20 (c) The monthly pension of a firefighter who is receiving a
21 disability pension under this Article shall be increased, in
22 January of the year following the year the firefighter attains
23 age 60, or in January 1974, if then over age 60, by 2% of the
24 originally granted monthly pension for each year he or she
25 received pension payments. In each January thereafter, the
26 firefighter shall receive an additional increase of 2% of the
27 original monthly pension. Effective January 1976, the rate of
28 the annual increase shall be 3%.

29 (c-1) On January 1, 1998, every child's disability benefit
30 payable on that date under Section 4-110 or 4-110.1 shall be
31 increased by an amount equal to 1/12 of 3% of the amount of the
32 benefit, multiplied by the number of months for which the
33 benefit has been payable. On each January 1 thereafter, every
34 child's disability benefit payable under Section 4-110 or

1 4-110.1 shall be increased by 3% of the amount of the benefit
2 then being paid, including any previous increases received
3 under this Article. These increases are not subject to any
4 limitation on the maximum benefit amount included in Section
5 4-110 or 4-110.1.

6 (c-2) On July 1, 2004, every pension payable to or on
7 behalf of a minor or disabled surviving child that is payable
8 on that date under Section 4-114 shall be increased by an
9 amount equal to 1/12 of 3% of the amount of the pension,
10 multiplied by the number of months for which the benefit has
11 been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and
12 July 1, 2008, every pension payable to or on behalf of a minor
13 or disabled surviving child that is payable under Section 4-114
14 shall be increased by 3% of the amount of the pension then
15 being paid, including any previous increases received under
16 this Article. These increases are not subject to any limitation
17 on the maximum benefit amount included in Section 4-114.

18 (d) The monthly pension of a firefighter who retires after
19 January 1, 1986, shall, upon either the first of the month
20 following the first anniversary of the date of retirement if 55
21 years of age or over, or upon the first day of the month
22 following attainment of age 55 if it occurs after the first
23 anniversary of retirement, be increased by 1/12 of 3% of the
24 originally granted monthly pension for each full month that has
25 elapsed since the pension began, and by an additional 3% in
26 each January thereafter.

27 The changes made to this subsection (d) by this amendatory
28 Act of the 91st General Assembly apply to all initial increases
29 that become payable under this subsection on or after January
30 1, 1999. All initial increases that became payable under this
31 subsection on or after January 1, 1999 and before the effective
32 date of this amendatory Act shall be recalculated and the
33 additional amount accruing for that period, if any, shall be
34 payable to the pensioner in a lump sum.

1 (e) Notwithstanding the provisions of subsection (a), upon
2 the first day of the month following (1) the first anniversary
3 of the date of retirement, or (2) the attainment of age 55, or
4 (3) July 1, 1987, whichever occurs latest, the monthly pension
5 of a firefighter who retired on or after January 1, 1977 and on
6 or before January 1, 1986 and did not receive an increase under
7 subsection (a) before July 1, 1987, shall be increased by 3% of
8 the originally granted monthly pension for each full year that
9 has elapsed since the pension began, and by an additional 3% in
10 each January thereafter. The increases provided under this
11 subsection are in lieu of the increases provided in subsection
12 (a).

13 (Source: P.A. 90-32, eff. 6-27-97; 91-466, eff. 8-6-99.)

14 (40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

15 Sec. 4-109.2. Minimum pension.

16 (a) Beginning January 1, 1984, the minimum disability
17 pension granted under Section 4-110 or 4-111, the minimum
18 surviving spouse's pension, and the minimum retirement pension
19 granted to a firefighter with 20 or more years of creditable
20 service, shall be \$300 per month, without regard to whether the
21 death, disability or retirement of the firefighter occurred
22 prior to that date.

23 Beginning July 1, 1987, the minimum retirement pension
24 payable to a firefighter with 20 or more years of creditable
25 service, the minimum disability pension payable under Section
26 4-110 or 4-111, and the minimum surviving spouse's pension
27 shall be \$400 per month, without regard to whether the death,
28 retirement or disability of the firefighter occurred prior to
29 that date.

30 Beginning July 1, 1993, the minimum retirement pension
31 payable to a firefighter with 20 or more years of creditable
32 service and the minimum surviving spouse's pension shall be
33 \$475 per month, without regard to whether the firefighter was

1 in service on or after the effective date of this amendatory
2 Act of 1993.

3 (b) Beginning January 1, 1999, the minimum retirement
4 pension payable to a firefighter with 20 or more years of
5 creditable service, the minimum disability pension payable
6 under Section 4-110, 4-110.1, or 4-111, and the minimum
7 surviving spouse's pension shall be \$600 per month, without
8 regard to whether the firefighter was in service on or after
9 the effective date of this amendatory Act of the 91st General
10 Assembly.

11 In the case of a pensioner whose pension began before the
12 effective date of this amendatory Act and is subject to
13 increase under this subsection (b), the pensioner shall be
14 entitled to a lump sum payment of the amount of that increase
15 accruing from January 1, 1999 (or the date the pension began,
16 if later) to the effective date of this amendatory Act.

17 (c) Beginning January 1, 2000, the minimum retirement
18 pension payable to a firefighter with 20 or more years of
19 creditable service, the minimum disability pension payable
20 under Section 4-110, 4-110.1, or 4-111, and the minimum
21 surviving spouse's pension shall be \$800 per month, without
22 regard to whether the firefighter was in service on or after
23 the effective date of this amendatory Act of the 91st General
24 Assembly.

25 (d) Beginning January 1, 2001, the minimum retirement
26 pension payable to a firefighter with 20 or more years of
27 creditable service, the minimum disability pension payable
28 under Section 4-110, 4-110.1, or 4-111, and the minimum
29 surviving spouse's pension shall be \$1000 per month, without
30 regard to whether the firefighter was in service on or after
31 the effective date of this amendatory Act of the 91st General
32 Assembly.

33 (e) Beginning July 1, 2004, the minimum retirement pension
34 payable to a firefighter with 20 or more years of creditable

1 service, the minimum disability pension payable under Section
2 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's
3 pension shall be \$1030 per month, without regard to whether the
4 firefighter was in service on or after the effective date of
5 this amendatory Act of the 93rd General Assembly.

6 (f) Beginning July 1, 2005, the minimum retirement pension
7 payable to a firefighter with 20 or more years of creditable
8 service, the minimum disability pension payable under Section
9 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's
10 pension shall be \$1060.90 per month, without regard to whether
11 the firefighter was in service on or after the effective date
12 of this amendatory Act of the 93rd General Assembly.

13 (g) Beginning July 1, 2006, the minimum retirement pension
14 payable to a firefighter with 20 or more years of creditable
15 service, the minimum disability pension payable under Section
16 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's
17 pension shall be \$1092.73 per month, without regard to whether
18 the firefighter was in service on or after the effective date
19 of this amendatory Act of the 93rd General Assembly.

20 (h) Beginning July 1, 2007, the minimum retirement pension
21 payable to a firefighter with 20 or more years of creditable
22 service, the minimum disability pension payable under Section
23 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's
24 pension shall be \$1125.51 per month, without regard to whether
25 the firefighter was in service on or after the effective date
26 of this amendatory Act of the 93rd General Assembly.

27 (i) Beginning July 1, 2008, the minimum retirement pension
28 payable to a firefighter with 20 or more years of creditable
29 service, the minimum disability pension payable under Section
30 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's
31 pension shall be \$1159.27 per month, without regard to whether
32 the firefighter was in service on or after the effective date
33 of this amendatory Act of the 93rd General Assembly.

34 (Source: P.A. 91-466, eff. 8-6-99.)

1 (40 ILCS 5/4-109.3 new)

2 Sec. 4-109.3. Employee creditable service.

3 (a) As used in this Section:

4 "Final monthly salary" means the monthly salary attached to
5 the rank held by the firefighter at the time of his or her last
6 withdrawal from service under a particular pension fund.

7 "Last pension fund" means the pension fund in which the
8 firefighter was participating at the time of his or her last
9 withdrawal from service.

10 (b) The benefits provided under this Section are available
11 only to a firefighter who:

12 (1) is a firefighter at the time of withdrawal from the
13 last pension fund and for at least the final 3 years of
14 employment prior to that withdrawal;

15 (2) has established service credit with at least one
16 pension fund established under this Article other than the
17 last pension fund;

18 (3) has a total of at least 20 years of service under
19 the various pension funds established under this Article
20 and has attained age 50; and

21 (4) is in service on or after the effective date of
22 this amendatory Act of the 93rd General Assembly.

23 (c) A firefighter who is eligible for benefits under this
24 Section may elect to receive a retirement pension from each
25 pension fund under this Article in which the firefighter has at
26 least one year of service credit but has not received a refund
27 under Section 4-116 (unless the firefighter repays that refund
28 under subsection (g)) or subsection (c) of Section 4-118.1, by
29 applying in writing and paying the contribution required under
30 subsection (i).

31 (d) From each such pension fund other than the last pension
32 fund, in lieu of any retirement pension otherwise payable under
33 this Article, a firefighter to whom this Section applies may
34 elect to receive a monthly pension of 1/12th of 2.5% of his or

1 her final monthly salary under that fund for each month of
2 service in that fund, subject to a maximum of 75% of that final
3 monthly salary.

4 (e) From the last pension fund, in lieu of any retirement
5 pension otherwise payable under this Article, a firefighter to
6 whom this Section applies may elect to receive a monthly
7 pension calculated as follows:

8 The last pension fund shall calculate the retirement
9 pension that would be payable to the firefighter under
10 subsection (a) of Section 4-109 as if he or she had
11 participated in that last pension fund during his or her entire
12 period of service under all pension funds established under
13 this Article (excluding any period of service for which the
14 firefighter has received a refund under Section 4-116, unless
15 the firefighter repays that refund under subsection (g), or for
16 which the firefighter has received a refund under subsection
17 (c) of Section 4-118.1). From this hypothetical pension there
18 shall be subtracted the original amounts of the retirement
19 pensions payable to the firefighter by all other pension funds
20 under subsection (d). The remainder is the retirement pension
21 payable to the firefighter by the last pension fund under this
22 subsection (e).

23 (f) Pensions elected under this Section shall be subject to
24 increases as provided in subsection (d) of Section 4-109.1.

25 (g) A current firefighter may reinstate creditable service
26 in a pension fund established under this Article that was
27 terminated upon receipt of a refund, by payment to that pension
28 fund of the amount of the refund together with interest thereon
29 at the rate of 6% per year, compounded annually, from the date
30 of the refund to the date of payment. A repayment of a refund
31 under this Section may be made in equal installments over a
32 period of up to 10 years, but must be paid in full prior to
33 retirement.

34 (h) As a condition of being hired to a position as a

1 firefighter on or after the effective date of this amendatory
2 Act of the 93rd General Assembly, a firefighter must notify the
3 new employer, all of his or her previous employers under this
4 Article, and the Public Pension Division of the Department of
5 Insurance, within one year of being hired, of all periods of
6 service of at least one year under a pension fund established
7 under this Article.

8 (i) In order to receive a pension under this Section or an
9 occupational disease disability pension for which he or she
10 becomes eligible due to the application of subsection (m) of
11 this Section, a firefighter must pay to each pension fund from
12 which he or she has elected to receive a pension under this
13 Section a contribution equal to 1/12th of 1% of monthly salary
14 for each month of service credit that the firefighter has in
15 that fund (other than service credit for which the firefighter
16 has already paid the additional contribution required under
17 subsection (c) of Section 4-118.1), together with interest
18 thereon at the rate of 6% per annum, compounded annually, from
19 the time the service was rendered to the date of payment.

20 (j) A retired firefighter who is receiving pension payments
21 under Section 4-109 may reenter active service under this
22 Article. Subject to the provisions of Section 4-117, the
23 firefighter may receive credit for service performed after the
24 reentry if the firefighter (1) applies to receive credit for
25 that service, (2) suspends his or her pensions under this
26 Section, and (3) makes the contributions required under
27 subsection (i).

28 (k) A firefighter who is newly hired or promoted to a
29 position as a firefighter shall not be denied participation in
30 a fund under this Article based on his or her age.

31 (l) If a firefighter who elects to make contributions under
32 subsection (c) of Section 4-118.1 for the pension benefits
33 provided under this Section becomes entitled to a disability
34 pension under Section 4-110, the last pension fund is

1 responsible to pay that disability pension and the amount of
2 that disability pension shall be based only on the
3 firefighter's service with the last pension fund.

4 (m) Notwithstanding any provision in Section 4-110.1 to the
5 contrary, if a firefighter who elects to make contributions
6 under subsection (c) of Section 4-118.1 for the pension
7 benefits provided under this Section becomes entitled to an
8 occupational disease disability pension under Section 4-110.1,
9 each pension fund to which the firefighter has made
10 contributions under subsection (c) of Section 4-118.1 must pay
11 a portion of that occupational disease disability pension equal
12 to the proportion that the firefighter's service credit with
13 that pension fund for which the contributions under subsection
14 (c) of Section 4-118.1 have been made bears to the
15 firefighter's total service credit with all of the pension
16 funds for which the contributions under subsection (c) of
17 Section 4-118.1 have been made. A firefighter who has made
18 contributions under subsection (c) of Section 4-118.1 for at
19 least 5 years of creditable service shall be deemed to have met
20 the 5-year creditable service requirement under Section
21 4-110.1, regardless of whether the firefighter has 5 years of
22 creditable service with the last pension fund

23 (n) If a firefighter who elects to make contributions under
24 subsection (c) of Section 4-118.1 for the pension benefits
25 provided under this Section becomes entitled to a disability
26 pension under Section 4-111, the last pension fund is
27 responsible to pay that disability pension, provided that the
28 firefighter has at least 7 years of creditable service with the
29 last pension fund.

30 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

31 Sec. 4-114. Pension to survivors. If a firefighter who is
32 not receiving a disability pension under Section 4-110 or
33 4-110.1 dies (1) as a result of any illness or accident, or (2)

1 from any cause while in receipt of a disability pension under
2 this Article, or (3) during retirement after 20 years service,
3 or (4) while vested for or in receipt of a pension payable
4 under subsection (b) of Section 4-109, or (5) while a deferred
5 pensioner, having made all required contributions, a pension
6 shall be paid to his or her survivors, based on the monthly
7 salary attached to the firefighter's rank on the last day of
8 service in the fire department, as follows:

9 (a) To the surviving spouse, a monthly pension of 40% of
10 the monthly salary, and to the guardian of any minor child or
11 children including a child which has been conceived but not yet
12 born, 12% of such monthly salary for each such child until
13 attainment of age 18 or until the child's marriage, whichever
14 occurs first. Beginning July 1, 1993, the monthly pension to
15 the surviving spouse shall be 54% of the monthly salary for all
16 persons receiving a surviving spouse pension under this
17 Article, regardless of whether the deceased firefighter was in
18 service on or after the effective date of this amendatory Act
19 of 1993.

20 Beginning July 1, 2004, the total monthly pension payable
21 under this paragraph (a) to the surviving spouse of a
22 firefighter who died while receiving a retirement pension,
23 including any amount payable on account of children, shall be
24 no less than 100% of the monthly retirement pension that the
25 deceased firefighter was receiving at the time of death,
26 including any increases under Section 4-109.1. This minimum
27 applies to all such surviving spouses who are eligible to
28 receive a surviving spouse pension, regardless of whether the
29 deceased firefighter was in service on or after the effective
30 date of this amendatory Act of the 93rd General Assembly, and
31 notwithstanding any limitation on maximum pension under
32 paragraph (d) or any other provision of this Article.

33 The pension to the surviving spouse shall terminate in the
34 event of the surviving spouse's remarriage prior to July 1,

1 1993; remarriage on or after that date does not affect the
2 surviving spouse's pension, regardless of whether the deceased
3 firefighter was in service on or after the effective date of
4 this amendatory Act of 1993.

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

7 (b) Upon the death of the surviving spouse leaving one or
8 more minor children, to the duly appointed guardian of each
9 such child, for support and maintenance of each such child
10 until the child reaches age 18 or marries, whichever occurs
11 first, a monthly pension of 20% of the monthly salary.

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

20 (d) The total pension provided under paragraphs (a), (b)
21 and (c) of this Section shall not exceed 75% of the monthly
22 salary of the deceased firefighter (1) when paid to the
23 survivor of a firefighter who has attained 20 or more years of
24 service credit and who receives or is eligible to receive a
25 retirement pension under this Article, or (2) when paid to the
26 survivor of a firefighter who dies as a result of illness or
27 accident, or (3) when paid to the survivor of a firefighter who
28 dies from any cause while in receipt of a disability pension
29 under this Article, or (4) when paid to the survivor of a
30 deferred pensioner. For all other survivors of deceased
31 firefighters, the total pension provided under paragraphs (a),
32 (b) and (c) of this Section shall not exceed 50% of the
33 retirement annuity the firefighter would have received on the
34 date of death.

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

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

10 (f) An adopted child is eligible for the pension provided
11 under paragraph (a) if the child was adopted before the
12 firefighter attained age 50.

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

23 (h) Benefits payable on account of a child under this
24 Section shall not be reduced or terminated by reason of the
25 child's attainment of age 18 if he or she is then dependent by
26 reason of a physical or mental disability but shall continue to
27 be paid as long as such dependency continues. Individuals over
28 the age of 18 and adjudged as a disabled person pursuant to
29 Article XIa of the Probate Act of 1975, except for persons
30 receiving benefits under Article III of the Illinois Public Aid
31 Code, shall be eligible to receive benefits under this Act.

32 (i) Beginning January 1, 2000, the pension of the surviving
33 spouse of a firefighter who dies on or after January 1, 1994 as
34 a result of sickness, accident, or injury incurred in or

1 resulting from the performance of an act of duty or from the
2 cumulative effects of acts of duty shall not be less than 100%
3 of the salary attached to the rank held by the deceased
4 firefighter on the last day of service, notwithstanding
5 subsection (d) or any other provision of this Article.

6 (j) Beginning July 1, 2004, the pension of the surviving
7 spouse of a firefighter who dies on or after January 1, 1988 as
8 a result of sickness, accident, or injury incurred in or
9 resulting from the performance of an act of duty or from the
10 cumulative effects of acts of duty shall not be less than 100%
11 of the salary attached to the rank held by the deceased
12 firefighter on the last day of service, notwithstanding
13 subsection (d) or any other provision of this Article.

14 (Source: P.A. 91-466, eff. 8-6-99.)

15 (40 ILCS 5/4-118.1) (from Ch. 108 1/2, par. 4-118.1)

16 Sec. 4-118.1. Contributions by firefighters.

17 (a) Beginning January 1, 1976 and until the effective date
18 of this amendatory Act of the 91st General Assembly, each
19 firefighter shall contribute to the pension fund 6 3/4% of
20 salary towards the cost of his or her pension. Beginning on the
21 effective date of this amendatory Act of the 91st General
22 Assembly, each firefighter shall contribute to the pension fund
23 6.955% of salary towards the cost of his or her pension.

24 (b) In addition, beginning January 1, 1976, each
25 firefighter shall contribute 1% of salary toward the cost of
26 the increase in pension provided in Section 4-109.1; beginning
27 January 1, 1987, such contribution shall be 1.5% of salary;
28 beginning July 1, 2004, the contribution shall be 2.5% of
29 salary..

30 (c) Beginning on the effective date of this amendatory Act
31 of the 93rd General Assembly, each firefighter who elects to
32 receive a pension under Section 4-109.3 and who has
33 participated in at least one other pension fund under this

1 Article for a period of at least one year shall contribute an
2 additional 1.0% of salary toward the cost of the increase in
3 pensions provided in Section 4-109.3.

4 In the event that a firefighter does not elect to receive a
5 retirement pension provided under Section 4-109.3 from one or
6 more of the pension funds in which the firefighter has credit,
7 he or she shall, upon withdrawal from the last pension fund as
8 defined in Section 4-109.3, be entitled to receive, from each
9 such fund to which he or she has paid additional contributions
10 under this subsection (c) and from which he or she does not
11 receive a refund under Section 4-116, a refund of those
12 contributions without interest.

13 A refund of total contributions to a particular firefighter
14 pension fund under Section 4-116 shall include any refund of
15 additional contributions paid to that fund under this
16 subsection (c), but a firefighter who accepts a refund from a
17 pension fund under Section 4-116 is thereafter ineligible to
18 receive a pension provided under Section 4-109.3 from that
19 fund. A firefighter who meets the eligibility requirements of
20 Section 4-109.3 may receive a pension under Section 4-109.3
21 from any pension fund from which the firefighter has not
22 received a refund under Section 4-116 or under this subsection
23 (c).

24 (d) "Salary" means the annual salary, including longevity,
25 attached to the firefighter's rank, as established by the
26 municipality appropriation ordinance, including any
27 compensation for overtime which is included in the salary so
28 established, but excluding any "overtime pay", "holiday pay",
29 "bonus pay", "merit pay", or any other cash benefit not
30 included in the salary so established.

31 (e) The contributions shall be deducted and withheld from
32 the salary of firefighters.

33 (Source: P.A. 91-466, eff. 8-6-99.)

1 (40 ILCS 5/4-134) (from Ch. 108 1/2, par. 4-134)

2 Sec. 4-134. Report for tax levy. The board shall report to
3 the city council or board of trustees of the municipality on
4 the condition of the pension fund at the end of its most
5 recently completed fiscal year. The report shall be made prior
6 to the council or board meeting held for appropriating and
7 levying taxes for the year for which the report is made.

8 The board in the report shall certify:

9 (1) the assets of the fund and their current market
10 value;

11 (2) the estimated receipts during the next succeeding
12 fiscal year from deductions from the salaries or wages of
13 firefighters, and from all other sources;

14 (3) the estimated amount necessary during the fiscal
15 year to meet the annual actuarial requirements of the
16 pension fund as provided in Sections 4-118 and 4-120; ~~and~~

17 (4) the total net income received from investment of
18 assets, compared to such income received during the
19 preceding fiscal year; and

20 (5) the increase in employer pension contributions
21 that results from the implementation of the provisions of
22 this amendatory Act of the 93rd General Assembly.

23 Before the board makes its report, the municipality shall
24 have the assets of the fund and their current market value
25 verified by an independent certified public accountant of its
26 choice.

27 (Source: P.A. 90-507, eff. 8-22-97.)

28 (40 ILCS 5/7-139.10 new)

29 Sec. 7-139.10. Transfer to Article 4 pension fund. A
30 person who has elected under Section 4-108.4 to become an
31 active participant in a firefighter pension fund established
32 under Article 4 of this Code may apply for transfer to that
33 Article 4 fund of his or her creditable service accumulated

1 under this Article for municipal firefighter service. At the
2 time of the transfer, the Fund shall pay to the firefighter
3 pension fund an amount equal to:

4 (1) the amounts accumulated to the credit of the
5 applicant for municipal firefighter service, including
6 interest;

7 (2) any interest paid by the applicant in order to
8 reinstate that service; and

9 (3) the municipality credits based on that service,
10 including interest.

11 Participation in this fund with respect to the transferred
12 credits shall terminate on the date of transfer.

13 For the purpose of this Section, "municipal firefighter
14 service" means service with the fire department of a
15 participating municipality for which the applicant established
16 creditable service under this Article.

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.28 as follows:

19 (30 ILCS 805/8.28 new)

20 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and
21 8 of this Act, no reimbursement by the State is required for
22 the implementation of any mandate created by this amendatory
23 Act of the 93rd General Assembly.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.

1 Submitted on May 31, 2004.

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3 s/Senator Viverito

Richard T. Bradley
s/Representative Bradley

4 Denny Jacobs
5 s/Senator Jacobs

Jack McGuire
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6 George P. Shadid
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12 Committee for the Senate

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