

1 thereafter, he or she shall receive an additional increase of
2 2% of the original monthly pension. Effective January 1976, the
3 rate of the annual increase shall be 3%.

4 (c) The monthly pension of a firefighter who is receiving a
5 disability pension under this Article shall be increased, in
6 January of the year following the year the firefighter attains
7 age 60, or in January 1974, if then over age 60, by 2% of the
8 originally granted monthly pension for each year he or she
9 received pension payments. In each January thereafter, the
10 firefighter shall receive an additional increase of 2% of the
11 original monthly pension. Effective January 1976, the rate of
12 the annual increase shall be 3%.

13 (c-1) On January 1, 1998, every child's disability benefit
14 payable on that date under Section 4-110 or 4-110.1 shall be
15 increased by an amount equal to 1/12 of 3% of the amount of the
16 benefit, multiplied by the number of months for which the
17 benefit has been payable. On each January 1 thereafter, every
18 child's disability benefit payable under Section 4-110 or
19 4-110.1 shall be increased by 3% of the amount of the benefit
20 then being paid, including any previous increases received
21 under this Article. These increases are not subject to any
22 limitation on the maximum benefit amount included in Section
23 4-110 or 4-110.1.

24 (c-2) On January 1, 2004, every pension payable to or on
25 behalf of a minor or disabled surviving child that is payable
26 on that date under Section 4-114 shall be increased by an
27 amount equal to 1/12 of 3% of the amount of the pension,
28 multiplied by the number of months for which the benefit has
29 been payable. On January 1, 2005, January 1, 2006, January 1,
30 2007, and January 1, 2008, every pension payable to or on
31 behalf of a minor or disabled surviving child that is payable
32 under Section 4-114 shall be increased by 3% of the amount of
33 the pension then being paid, including any previous increases
34 received under this Article. These increases are not subject to

1 any limitation on the maximum benefit amount included in
2 Section 4-114.

3 (d) The monthly pension of a firefighter who retires after
4 January 1, 1986, shall, upon either the first of the month
5 following the first anniversary of the date of retirement if 55
6 years of age or over, or upon the first day of the month
7 following attainment of age 55 if it occurs after the first
8 anniversary of retirement, be increased by 1/12 of 3% of the
9 originally granted monthly pension for each full month that has
10 elapsed since the pension began, and by an additional 3% in
11 each January thereafter.

12 The changes made to this subsection (d) by this amendatory
13 Act of the 91st General Assembly apply to all initial increases
14 that become payable under this subsection on or after January
15 1, 1999. All initial increases that became payable under this
16 subsection on or after January 1, 1999 and before the effective
17 date of this amendatory Act shall be recalculated and the
18 additional amount accruing for that period, if any, shall be
19 payable to the pensioner in a lump sum.

20 (e) Notwithstanding the provisions of subsection (a), upon
21 the first day of the month following (1) the first anniversary
22 of the date of retirement, or (2) the attainment of age 55, or
23 (3) July 1, 1987, whichever occurs latest, the monthly pension
24 of a firefighter who retired on or after January 1, 1977 and on
25 or before January 1, 1986 and did not receive an increase under
26 subsection (a) before July 1, 1987, shall be increased by 3% of
27 the originally granted monthly pension for each full year that
28 has elapsed since the pension began, and by an additional 3% in
29 each January thereafter. The increases provided under this
30 subsection are in lieu of the increases provided in subsection
31 (a).

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

33 (40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

1 Sec. 4-109.2. Minimum pension.

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

9 Beginning July 1, 1987, the minimum retirement pension
10 payable to a firefighter with 20 or more years of creditable
11 service, the minimum disability pension payable under Section
12 4-110 or 4-111, and the minimum surviving spouse's pension
13 shall be \$400 per month, without regard to whether the death,
14 retirement or disability of the firefighter occurred prior to
15 that date.

16 Beginning July 1, 1993, the minimum retirement pension
17 payable to a firefighter with 20 or more years of creditable
18 service and the minimum surviving spouse's pension shall be
19 \$475 per month, without regard to whether the firefighter was
20 in service on or after the effective date of this amendatory
21 Act of 1993.

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

30 In the case of a pensioner whose pension began before the
31 effective date of this amendatory Act and is subject to
32 increase under this subsection (b), the pensioner shall be
33 entitled to a lump sum payment of the amount of that increase
34 accruing from January 1, 1999 (or the date the pension began,

1 if later) to the effective date of this amendatory Act.

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

10 (d) Beginning January 1, 2001, the minimum retirement
11 pension payable to a firefighter with 20 or more years of
12 creditable service, the minimum disability pension payable
13 under Section 4-110, 4-110.1, or 4-111, and the minimum
14 surviving spouse's pension shall be \$1000 per month, without
15 regard to whether the firefighter was in service on or after
16 the effective date of this amendatory Act of the 91st General
17 Assembly.

18 (e) Beginning January 1, 2004, the minimum retirement
19 pension payable to a firefighter with 20 or more years of
20 creditable service, the minimum disability pension payable
21 under Section 4-110, 4-110.1, or 4-111, and the minimum
22 surviving spouse's pension shall be \$1030 per month, without
23 regard to whether the firefighter was in service on or after
24 the effective date of this amendatory Act of the 93rd General
25 Assembly.

26 (f) Beginning January 1, 2005, the minimum retirement
27 pension payable to a firefighter with 20 or more years of
28 creditable service, the minimum disability pension payable
29 under Section 4-110, 4-110.1, or 4-111, and the minimum
30 surviving spouse's pension shall be \$1060.90 per month, without
31 regard to whether the firefighter was in service on or after
32 the effective date of this amendatory Act of the 93rd General
33 Assembly.

34 (g) Beginning January 1, 2006, the minimum retirement

1 pension payable to a firefighter with 20 or more years of
2 creditable service, the minimum disability pension payable
3 under Section 4-110, 4-110.1, or 4-111, and the minimum
4 surviving spouse's pension shall be \$1092.73 per month, without
5 regard to whether the firefighter was in service on or after
6 the effective date of this amendatory Act of the 93rd General
7 Assembly.

8 (h) Beginning January 1, 2007, the minimum retirement
9 pension payable to a firefighter with 20 or more years of
10 creditable service, the minimum disability pension payable
11 under Section 4-110, 4-110.1, or 4-111, and the minimum
12 surviving spouse's pension shall be \$1125.51 per month, without
13 regard to whether the firefighter was in service on or after
14 the effective date of this amendatory Act of the 93rd General
15 Assembly.

16 (i) Beginning January 1, 2008, the minimum retirement
17 pension payable to a firefighter with 20 or more years of
18 creditable service, the minimum disability pension payable
19 under Section 4-110, 4-110.1, or 4-111, and the minimum
20 surviving spouse's pension shall be \$1159.27 per month, without
21 regard to whether the firefighter was in service on or after
22 the effective date of this amendatory Act of the 93rd General
23 Assembly.

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

25 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

26 Sec. 4-114. Pension to survivors. If a firefighter who is
27 not receiving a disability pension under Section 4-110 or
28 4-110.1 dies (1) as a result of any illness or accident, or (2)
29 from any cause while in receipt of a disability pension under
30 this Article, or (3) during retirement after 20 years service,
31 or (4) while vested for or in receipt of a pension payable
32 under subsection (b) of Section 4-109, or (5) while a deferred
33 pensioner, having made all required contributions, a pension

1 shall be paid to his or her survivors, based on the monthly
2 salary attached to the firefighter's rank on the last day of
3 service in the fire department, as follows:

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

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

28 The pension to the surviving spouse shall terminate in the
29 event of the surviving spouse's remarriage prior to July 1,
30 1993; remarriage on or after that date does not affect the
31 surviving spouse's pension, regardless of whether the deceased
32 firefighter was in service on or after the effective date of
33 this amendatory Act of 1993.

34 The surviving spouse's pension shall be subject to the

1 minimum established in Section 4-109.2.

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

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

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

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

34 (e) If a firefighter leaves no eligible survivors under

1 paragraphs (a), (b) and (c), the board shall refund to the
2 firefighter's estate the amount of his or her accumulated
3 contributions, less the amount of pension payments, if any,
4 made to the firefighter while living.

5 (f) An adopted child is eligible for the pension provided
6 under paragraph (a) if the child was adopted before the
7 firefighter attained age 50.

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

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

27 (i) Beginning January 1, 2000, the pension of the surviving
28 spouse of a firefighter who dies on or after January 1, 1994 as
29 a result of sickness, accident, or injury incurred in or
30 resulting from the performance of an act of duty or from the
31 cumulative effects of acts of duty shall not be less than 100%
32 of the salary attached to the rank held by the deceased
33 firefighter on the last day of service, notwithstanding
34 subsection (d) or any other provision of this Article.

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

2 Section 90. The State Mandates Act is amended by adding
3 Section 8.28 as follows:

4 (30 ILCS 805/8.28 new)

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".