



Rep. Lawrence Walsh, Jr.

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10200HB0171ham001

LRB102 04319 RPS 23909 a

1 AMENDMENT TO HOUSE BILL 171

2 AMENDMENT NO. _____. Amend House Bill 171 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 4-109.1 as follows:

6 (40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

7 Sec. 4-109.1. Increase in pension.

8 (a) Except as provided in subsection (e), the monthly
9 pension of a firefighter who retires after July 1, 1971 and
10 prior to January 1, 1986, shall, upon either the first of the
11 month following the first anniversary of the date of
12 retirement if 60 years of age or over at retirement date, or
13 upon the first day of the month following attainment of age 60
14 if it occurs after the first anniversary of retirement, be
15 increased by 2% of the originally granted monthly pension and
16 by an additional 2% in each January thereafter. Effective

1 January 1976, the rate of the annual increase shall be 3% of
2 the originally granted monthly pension.

3 (b) The monthly pension of a firefighter who retired from
4 service with 20 or more years of service, on or before July 1,
5 1971, shall be increased, in January of the year following the
6 year of attaining age 65 or in January 1972, if then over age
7 65, by 2% of the originally granted monthly pension, for each
8 year the firefighter received pension payments. In each
9 January thereafter, he or she shall receive an additional
10 increase of 2% of the original monthly pension. Effective
11 January 1976, the rate of the annual increase shall be 3%.

12 (c) The monthly pension of a firefighter who is receiving
13 a disability pension under this Article shall be increased, in
14 January of the year following the year the firefighter attains
15 age 60, or in January 1974, if then over age 60, by 2% of the
16 originally granted monthly pension for each year he or she
17 received pension payments. In each January thereafter, the
18 firefighter shall receive an additional increase of 2% of the
19 original monthly pension. Effective January 1976, the rate of
20 the annual increase shall be 3%.

21 (c-1) On January 1, 1998, every child's disability benefit
22 payable on that date under Section 4-110 or 4-110.1 shall be
23 increased by an amount equal to 1/12 of 3% of the amount of the
24 benefit, multiplied by the number of months for which the
25 benefit has been payable. On each January 1 thereafter, every
26 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
14 4-114 shall be increased by 3% of the amount of the pension
15 then being paid, including any previous increases received
16 under this Article. These increases are not subject to any
17 limitation on the maximum benefit amount included in Section
18 4-114.

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

1 each January thereafter.

2 The changes made to this subsection (d) by this amendatory
3 Act of the 91st General Assembly apply to all initial
4 increases that become payable under this subsection on or
5 after January 1, 1999. All initial increases that became
6 payable under this subsection on or after January 1, 1999 and
7 before the effective date of this amendatory Act shall be
8 recalculated and the additional amount accruing for that
9 period, if any, shall be payable to the pensioner in a lump
10 sum.

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

23 (f) In July 2009, the monthly pension of a firefighter who
24 retired before July 1, 1977 shall be recalculated and
25 increased to reflect the amount that the firefighter would
26 have received in July 2009 had the firefighter been receiving

1 a 3% compounded increase for each year he or she received
2 pension payments after January 1, 1986, plus any increases in
3 pension received for each year prior to January 1, 1986. In
4 each January thereafter, he or she shall receive an additional
5 increase of 3% of the amount of the pension then being paid.
6 The changes made to this Section by this amendatory Act of the
7 96th General Assembly apply without regard to whether the
8 firefighter was in service on or after its effective date.

9 (g) Notwithstanding any other provision of this Article,
10 the monthly pension of a person who first becomes a
11 firefighter under this Article on or after January 1, 2011
12 shall be increased on the January 1 occurring either on or
13 after the attainment of age 60 or the first anniversary of the
14 pension start date, whichever is later. Each annual increase
15 shall be calculated at 3% ~~or one half the annual unadjusted~~
16 ~~percentage increase (but not less than zero) in the consumer~~
17 ~~price index u for the 12 months ending with the September~~
18 ~~preceding each November 1, whichever is less,~~ of the
19 originally granted pension. ~~If the annual unadjusted~~
20 ~~percentage change in the consumer price index u for a 12-month~~
21 ~~period ending in September is zero or, when compared with the~~
22 ~~preceding period, decreases, then the pension shall not be~~
23 ~~increased.~~

24 ~~For the purposes of this subsection (g), "consumer price~~
25 ~~index u" means the index published by the Bureau of Labor~~
26 ~~Statistics of the United States Department of Labor that~~

1 ~~measures the average change in prices of goods and services~~
2 ~~purchased by all urban consumers, United States city average,~~
3 ~~all items, 1982-84 = 100. The new amount resulting from each~~
4 ~~annual adjustment shall be determined by the Public Pension~~
5 ~~Division of the Department of Insurance and made available to~~
6 ~~the boards of the pension funds.~~

7 Notwithstanding Section 1-103.1, the changes made by this
8 amendatory Act of the 102nd General Assembly apply without
9 regard to whether the person who first became a firefighter
10 under this Article on or after January 1, 2011 is in active
11 service under this Article on or after the effective date of
12 this amendatory Act of the 102nd General Assembly.

13 (Source: P.A. 96-775, eff. 8-28-09; 96-1495, eff. 1-1-11.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.45 as follows:

16 (30 ILCS 805/8.45 new)

17 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
18 8 of this Act, no reimbursement by the State is required for
19 the implementation of any mandate created by this amendatory
20 Act of the 102nd General Assembly.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."