



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3608

Introduced 2/17/2023, by Rep. Eva-Dina Delgado

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-109.1
30 ILCS 805/8.47 new

from Ch. 108 1/2, par. 4-109.1

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that in July 2023, the monthly pension of a firefighter who retired between July 1, 1977 and January 1, 1986 shall be recalculated and increased to reflect the amount that the firefighter would have received in July 2023 had the firefighter been receiving a 3% compounded increase for each year he or she received pension payments after his or her retirement date. Provides that in each January thereafter, he or she shall receive an additional increase of 3% of the amount of the pension then being paid. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB103 30008 RPS 56428 b

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

19 (b) The monthly pension of a firefighter who retired from
20 service with 20 or more years of service, on or before July 1,
21 1971, shall be increased, in January of the year following the
22 year of attaining age 65 or in January 1972, if then over age
23 65, by 2% of the originally granted monthly pension, for each

1 year the firefighter received pension payments. In each
2 January thereafter, he or she shall receive an additional
3 increase of 2% of the original monthly pension. Effective
4 January 1976, the rate of the annual increase shall be 3%.

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

14 (c-1) On January 1, 1998, every child's disability benefit
15 payable on that date under Section 4-110 or 4-110.1 shall be
16 increased by an amount equal to 1/12 of 3% of the amount of the
17 benefit, multiplied by the number of months for which the
18 benefit has been payable. On each January 1 thereafter, every
19 child's disability benefit payable under Section 4-110 or
20 4-110.1 shall be increased by 3% of the amount of the benefit
21 then being paid, including any previous increases received
22 under this Article. These increases are not subject to any
23 limitation on the maximum benefit amount included in Section
24 4-110 or 4-110.1.

25 (c-2) On July 1, 2004, every pension payable to or on
26 behalf of a minor or disabled surviving child that is payable

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

12 (d) The monthly pension of a firefighter who retires after
13 January 1, 1986, shall, upon either the first of the month
14 following the first anniversary of the date of retirement if
15 55 years of age or over, or upon the first day of the month
16 following attainment of age 55 if it occurs after the first
17 anniversary of retirement, be increased by $1/12$ of 3% of the
18 originally granted monthly pension for each full month that
19 has elapsed since the pension began, and by an additional 3% in
20 each January thereafter.

21 The changes made to this subsection (d) by this amendatory
22 Act of the 91st General Assembly apply to all initial
23 increases that become payable under this subsection on or
24 after January 1, 1999. All initial increases that became
25 payable under this subsection on or after January 1, 1999 and
26 before the effective date of this amendatory Act shall be

1 recalculated and the additional amount accruing for that
2 period, if any, shall be payable to the pensioner in a lump
3 sum.

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

16 (f) In July 2009, the monthly pension of a firefighter who
17 retired before July 1, 1977 shall be recalculated and
18 increased to reflect the amount that the firefighter would
19 have received in July 2009 had the firefighter been receiving
20 a 3% compounded increase for each year he or she received
21 pension payments after January 1, 1986, plus any increases in
22 pension received for each year prior to January 1, 1986. In
23 each January thereafter, he or she shall receive an additional
24 increase of 3% of the amount of the pension then being paid.
25 The changes made to this Section by this amendatory Act of the
26 96th General Assembly apply without regard to whether the

1 firefighter was in service on or after its effective date.

2 (f-5) In July 2023, the monthly pension of a firefighter
3 who retired between July 1, 1977 and January 1, 1986 shall be
4 recalculated and increased to reflect the amount that the
5 firefighter would have received in July 2023 had the
6 firefighter been receiving a 3% compounded increase for each
7 year he or she received pension payments after his or her
8 retirement date. In each January thereafter, he or she shall
9 receive an additional increase of 3% of the amount of the
10 pension then being paid. The changes made to this Section by
11 this amendatory Act of the 103rd General Assembly apply
12 without regard to whether the firefighter was in service on or
13 after its effective date.

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

1 preceding period, decreases, then the pension shall not be
2 increased.

3 For the purposes of this subsection (g), "consumer price
4 index-u" means the index published by the Bureau of Labor
5 Statistics of the United States Department of Labor that
6 measures the average change in prices of goods and services
7 purchased by all urban consumers, United States city average,
8 all items, 1982-84 = 100. The new amount resulting from each
9 annual adjustment shall be determined by the Public Pension
10 Division of the Department of Insurance and made available to
11 the boards of the pension funds.

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

13 Section 90. The State Mandates Act is amended by adding
14 Section 8.47 as follows:

15 (30 ILCS 805/8.47 new)

16 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
17 8 of this Act, no reimbursement by the State is required for
18 the implementation of any mandate created by this amendatory
19 Act of the 103rd General Assembly.

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