

1 AN ACT in relation to 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 Sections 4-109.1, 4-109.2, and 4-114 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
14 60 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
20 from service with 20 or more years of service, on or before
21 July 1, 1971, shall be increased, in January of the year
22 following the year of attaining age 65 or in January 1972, if
23 then over age 65, by 2% of the originally granted monthly
24 pension, for each year the firefighter received pension
25 payments. In each January thereafter, he or she shall
26 receive an additional increase of 2% of the original monthly
27 pension. Effective January 1976, the rate of the annual
28 increase shall be 3%.

29 (c) The monthly pension of a firefighter who is
30 receiving a disability pension under this Article shall be
31 increased, in January of the year following the year the

1 firefighter attains age 60, or in January 1974, if then over
2 age 60, by 2% of the originally granted monthly pension for
3 each year he or she received pension payments. In each
4 January thereafter, the firefighter shall receive an
5 additional increase of 2% of the original monthly pension.
6 Effective January 1976, the rate of the annual increase shall
7 be 3%.

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

19 (c-2) On January 1, 2004, every pension payable to or on
20 behalf of a minor or disabled surviving child that is payable
21 on that date under Section 4-114 shall be increased by an
22 amount equal to 1/12 of 3% of the amount of the pension,
23 multiplied by the number of months for which the benefit has
24 been payable. On each January 1 thereafter, every pension
25 payable to or on behalf of a minor or disabled surviving
26 child that is payable under Section 4-114 shall be increased
27 by 3% of the amount of the pension then being paid, including
28 any previous increases received under this Article. These
29 increases are not subject to any limitation on the maximum
30 benefit amount included in Section 4-114.

31 (d) The monthly pension of a firefighter who retires
32 after January 1, 1986, shall, upon either the first of the
33 month following the first anniversary of the date of
34 retirement if 55 years of age or over, or upon the first day

1 of the month following attainment of age 55 if it occurs
2 after the first anniversary of retirement, be increased by
3 1/12 of 3% of the originally granted monthly pension for each
4 full month that has elapsed since the pension began, and by
5 an additional 3% in each January thereafter.

6 The changes made to this subsection (d) by this
7 amendatory Act of the 91st General Assembly apply to all
8 initial increases that become payable under this subsection
9 on or after January 1, 1999. All initial increases that
10 became payable under this subsection on or after January 1,
11 1999 and before the effective date of this amendatory Act
12 shall be recalculated and the additional amount accruing for
13 that period, if any, shall be payable to the pensioner in a
14 lump sum.

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

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

28 (40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

29 Sec. 4-109.2. Minimum pension.

30 (a) Beginning January 1, 1984, the minimum disability
31 pension granted under Section 4-110 or 4-111, the minimum
32 surviving spouse's pension, and the minimum retirement
33 pension granted to a firefighter with 20 or more years of

1 creditable service, shall be \$300 per month, without regard
2 to whether the death, disability or retirement of the
3 firefighter occurred prior to that date.

4 Beginning July 1, 1987, the minimum retirement pension
5 payable to a firefighter with 20 or more years of creditable
6 service, the minimum disability pension payable under Section
7 4-110 or 4-111, and the minimum surviving spouse's pension
8 shall be \$400 per month, without regard to whether the death,
9 retirement or disability of the firefighter occurred prior to
10 that date.

11 Beginning July 1, 1993, the minimum retirement pension
12 payable to a firefighter with 20 or more years of creditable
13 service and the minimum surviving spouse's pension shall be
14 \$475 per month, without regard to whether the firefighter was
15 in service on or after the effective date of this amendatory
16 Act of 1993.

17 (b) Beginning January 1, 1999, 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 \$600 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 In the case of a pensioner whose pension began before the
26 effective date of this amendatory Act and is subject to
27 increase under this subsection (b), the pensioner shall be
28 entitled to a lump sum payment of the amount of that increase
29 accruing from January 1, 1999 (or the date the pension began,
30 if later) to the effective date of this amendatory Act.

31 (c) Beginning January 1, 2000, the minimum retirement
32 pension payable to a firefighter with 20 or more years of
33 creditable service, the minimum disability pension payable
34 under Section 4-110, 4-110.1, or 4-111, and the minimum

1 surviving spouse's pension shall be \$800 per month, without
2 regard to whether the firefighter was in service on or after
3 the effective date of this amendatory Act of the 91st General
4 Assembly.

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

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

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

29 (g) Beginning January 1, 2006, the minimum retirement
30 pension payable to a firefighter with 20 or more years of
31 creditable service, the minimum disability pension payable
32 under Section 4-110, 4-110.1, or 4-111, and the minimum
33 surviving spouse's pension shall be \$1092.73 per month,
34 without regard to whether the firefighter was in service on

1 or after the effective date of this amendatory Act of the
2 93rd General Assembly.

3 (h) Beginning January 1, 2007, 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 \$1125.51 per month,
8 without regard to whether the firefighter was in service on
9 or after the effective date of this amendatory Act of the
10 93rd General Assembly.

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

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

20 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

21 Sec. 4-114. Pension to survivors. If a firefighter who
22 is not receiving a disability pension under Section 4-110 or
23 4-110.1 dies (1) as a result of any illness or accident, or
24 (2) from any cause while in receipt of a disability pension
25 under this Article, or (3) during retirement after 20 years
26 service, or (4) while vested for or in receipt of a pension
27 payable under subsection (b) of Section 4-109, or (5) while a
28 deferred pensioner, having made all required contributions, a
29 pension shall be paid to his or her survivors, based on the
30 monthly salary attached to the firefighter's rank on the last
31 day of service in the fire department, as follows:

32 (a) To the surviving spouse, a monthly pension of 40% of
33 the monthly salary, and to the guardian of any minor child or

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

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

23 The pension to the surviving spouse shall terminate in
24 the event of the surviving spouse's remarriage prior to July
25 1, 1993; remarriage on or after that date does not affect the
26 surviving spouse's pension, regardless of whether the
27 deceased firefighter was in service on or after the effective
28 date of this amendatory Act of 1993.

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

31 (b) Upon the death of the surviving spouse leaving one
32 or more minor children, to the duly appointed guardian of
33 each such child, for support and maintenance of each such
34 child until the child reaches age 18 or marries, whichever

1 occurs first, a monthly pension of 20% of the monthly salary.

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

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

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

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

34 (f) An adopted child is eligible for the pension

1 provided under paragraph (a) if the child was adopted before
2 the firefighter attained age 50.

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

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

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

32 (j) Each survivor's pension payable on January 1, 2004,
33 shall be increased on that date, and on each January 1
34 thereafter, by an amount equal to 3% of the pension otherwise

1 payable at the time of the increase, including any previous
2 increases under this Article. This increase does not apply
3 to any survivor's pension that first becomes payable after
4 January 1, 2004.

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

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.27 as follows:

8 (30 ILCS 805/8.27 new)

9 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
10 and 8 of this Act, no reimbursement by the State is required
11 for the implementation of any mandate created by this
12 amendatory Act of the 93rd General Assembly.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.