



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0696

Introduced 02/01/05, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-128	from Ch. 108 1/2, par. 6-128
40 ILCS 5/6-140	from Ch. 108 1/2, par. 6-140
40 ILCS 5/6-144	from Ch. 108 1/2, par. 6-144
40 ILCS 5/6-151	from Ch. 108 1/2, par. 6-151
30 ILCS 805/8.29 new	

Amends the Chicago Firefighter Article of the Illinois Pension Code to increase the maximum retirement annuity, duty disability benefit, and duty death benefit from 75% to 80% of salary. Also makes technical changes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 05967 EFG 36023 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 changing
5 Sections 6-128, 6-140, 6-144, and 6-151 as follows:

6 (40 ILCS 5/6-128) (from Ch. 108 1/2, par. 6-128)

7 Sec. 6-128. Alternative annuity for future entrants.

8 (a) A future entrant who withdraws on or after July 21,
9 1959, after completing at least 23 years of service, and for
10 whom the annuity otherwise provided in this Article is less
11 than that stated in this Section, has a right to receive
12 annuity as follows:

13 If he is age 53 or more on withdrawal, his annuity after
14 withdrawal, shall be equal to 50% of his average salary.

15 An employee who reaches compulsory retirement age and who
16 has less than 23 years of service shall be entitled to a
17 minimum annuity equal to an amount determined by the product of
18 (1) his years of service and (2) 2% of his average salary.

19 An employee who remains in service after qualifying for
20 annuity under this Section shall have added to this annuity an
21 additional 1% of average salary for each completed year of
22 service or fraction thereof rendered until July 21, 1959, and
23 an additional 1% for a total of 2% of average salary from July
24 21, 1959. Each future entrant who has completed 23 years of
25 service before reaching age 53 shall have added to this annuity
26 1% of average salary for each completed year of service or
27 fraction thereof in excess of 23 years up to age 53.

28 (b) In lieu of the annuity provided in the foregoing
29 provisions of this Section any future entrant who withdraws
30 from the service either (i) after December 31, 1983 with at
31 least 22 years of service credit and having attained age 52 in
32 the service, or (ii) after December 31, 1984 with at least 21

1 years of service credit and having attained age 51 in the
2 service, or (iii) after December 31, 1985 with at least 20
3 years of service credit and having attained age 50 in the
4 service, or (iv) after December 31, 1990 with at least 20 years
5 of service regardless of age, may elect to receive an annuity,
6 to begin not earlier than upon attainment of age 50 if under
7 that age at withdrawal, computed as follows: an annuity equal
8 to 50% of average salary, plus additional annuity equal to 2%
9 of average salary for each completed year of service or
10 fraction thereof rendered after his completion of the minimum
11 number of years of service required for him to be eligible
12 under this subsection (b). However, the annuity provided under
13 this subsection (b) may not exceed 75% of average salary.

14 (c) In lieu of the annuity provided in any other provision
15 of this Section, a future entrant who withdraws from service
16 after the effective date of this amendatory Act of the 93rd
17 General Assembly with at least 20 years of service may elect to
18 receive an annuity, to begin no earlier than upon attainment of
19 age 50 if under that age at withdrawal, equal to 50% of average
20 salary plus 2.5% of average salary for each completed year of
21 service or fraction thereof over 20, but not to exceed 80% ~~75%~~
22 of average salary (75% if the last day of service is before the
23 effective date of this amendatory Act of the 94th General
24 Assembly).

25 (d) For the purpose of this Section, "average salary" means
26 the average of the highest 4 consecutive years of salary within
27 the last 10 years of service.

28 (Source: P.A. 93-654, eff. 1-16-04.)

29 (40 ILCS 5/6-140) (from Ch. 108 1/2, par. 6-140)

30 Sec. 6-140. Death in the line of duty.

31 (a) The annuity for the widow of a fireman whose death
32 results from the performance of an act or acts of duty shall be
33 an amount equal to the following specified percentage ~~50%~~
34 of the current annual salary attached to the classified position
35 to which the fireman was certified at the time of his death:

1 50% until January 1, 1973; 75% and 75% thereof after December
2 31, 1972 and until the effective date of this amendatory Act of
3 the 94th General Assembly; and 80% on and after that effective
4 date.

5 Unless the performance of an act or acts of duty results
6 directly in the death of the fireman, or prevents him from
7 subsequently resuming active service in the fire department,
8 the annuity herein provided shall not be paid; nor shall such
9 annuities be paid unless the widow was the wife of the fireman
10 at the time of the act or acts of duty which resulted in his
11 death.

12 (b) The changes made to this Section by Public Act 92-50
13 ~~this amendatory Act of the 92nd General Assembly~~ apply without
14 regard to whether the deceased fireman was in service on or
15 after the effective date of that ~~this amendatory~~ Act. In the
16 case of a widow receiving an annuity under this Section that
17 has been reduced to 40% of current salary because the fireman,
18 had he lived, would have attained the age prescribed for
19 compulsory retirement, the annuity shall be restored to the
20 amount provided in subsection (a), with the increase beginning
21 to accrue on the later of January 1, 2001 or the day the
22 annuity first became payable.

23 The changes made to this Section by this amendatory Act of
24 the 94th General Assembly apply without regard to whether the
25 deceased fireman was in service on or after the effective date
26 of this amendatory Act.

27 (Source: P.A. 92-50, eff. 7-12-01.)

28 (40 ILCS 5/6-144) (from Ch. 108 1/2, par. 6-144)

29 Sec. 6-144. Maximum annuity to fireman. No annuity in
30 excess of 80% 75% of the highest salary received by the fireman
31 concerned (75% if the last day of service is before the
32 effective date of this amendatory Act of the 94th General
33 Assembly) shall be granted or paid to him, except to the extent
34 that the annuity may exceed that amount ~~such 75%~~ under the
35 provisions of Section 6-164 of this Article.

1 (Source: P.A. 77-1353.)

2 (40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

3 Sec. 6-151. Duty disability.

4 (a) An active fireman who is or becomes disabled on or
5 after the effective date as the result of a specific injury, or
6 of cumulative injuries, or of specific sickness incurred in or
7 resulting from an act or acts of duty, shall have the right to
8 receive duty disability benefit during any period of such
9 disability for which he does not receive or have a right to
10 receive salary, equal to 80% 75% of his salary at the time the
11 disability is allowed (75% if the disability is allowed before
12 the effective date of this amendatory Act of the 94th General
13 Assembly). However, beginning January 1, 1994, no duty
14 disability benefit that has been payable under this Section for
15 at least 10 years shall be less than 50% of the current salary
16 attached from time to time to the rank and grade held by the
17 fireman at the time of his removal from the Department payroll,
18 regardless of whether that removal occurred before the
19 effective date of this amendatory Act of 1993.

20 (b) Whenever an active fireman is or becomes so injured or
21 sick, as to require medical or hospital attention, the chief
22 officer of the fire department of the city shall file, or cause
23 to be filed, with the board a report of the nature and cause of
24 his disability, together with the certificate or report of the
25 physician attending or treating, or who attended or treated the
26 fireman, and a copy of any hospital record concerning the
27 disability. Any injury or sickness not reported to the board in
28 time to permit the board's physician to examine the fireman
29 before his recovery, and any injury or sickness for which a
30 physician's report or copy of the hospital record is not on
31 file with the board shall not be considered for the payment of
32 duty disability benefit.

33 (c) Such fireman shall also receive a child's disability
34 benefit of \$30 per month on account of each unmarried child,
35 the issue of the fireman or legally adopted by him prior to the

1 date of disability, who is less than 18 years of age or
2 handicapped and dependent upon the fireman for support. The
3 total amount of child's disability benefit shall not exceed 25%
4 of his salary at the time the disability is allowed.

5 (d) The first payment of duty disability or child's
6 disability benefit shall be made not later than one month after
7 the benefit is granted. Each subsequent payment shall be made
8 not later than one month after the date of the latest payment.

9 Duty disability benefit shall be payable during the period
10 of the disability until the fireman reaches the age of
11 compulsory retirement. Child's disability benefit shall be
12 paid to such a fireman during the period of disability until
13 such child or children attain age 18 or marries, whichever
14 event occurs first; except that attainment of age 18 by a child
15 who is so physically or mentally handicapped as to be dependent
16 upon the fireman for support, shall not render the child
17 ineligible for child's disability benefit. The fireman shall
18 thereafter receive such annuity or annuities as are provided
19 for him in accordance with other provisions of this Article.

20 (Source: P.A. 88-528.)

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.29 as follows:

23 (30 ILCS 805/8.29 new)

24 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
25 of this Act, no reimbursement by the State is required for the
26 implementation of any mandate created by this amendatory Act of
27 the 94th General Assembly.

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.