

HB0853



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0853

Introduced 2/2/2005, by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-110

from Ch. 108 1/2, par. 4-110

Amends the Downstate Firefighter Article of the Illinois Pension Code.
Makes a technical change in a Section concerning a disability pension.

LRB094 07329 AMC 37487 b

PENSION IMPACT
NOTE ACT MAY
APPLY

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 changing
5 Section 4-110 as follows:

6 (40 ILCS 5/4-110) (from Ch. 108 1/2, par. 4-110)

7 Sec. 4-110. Disability pension - Line of duty. If a
8 firefighter, as the ~~the~~ result of sickness, accident or injury
9 incurred in or resulting from the performance of an act of duty
10 or from the cumulative effects of acts of duty, is found,
11 pursuant to Section 4-112, to be physically or mentally
12 permanently disabled for service in the fire department, so as
13 to render necessary his or her being placed on disability
14 pension, the firefighter shall be entitled to a disability
15 pension equal to the greater of (1) 65% of the monthly salary
16 attached to the rank held by him or her in the fire department
17 at the date he or she is removed from the municipality's fire
18 department payroll or (2) the retirement pension that the
19 firefighter would be eligible to receive if he or she retired
20 (but not including any automatic annual increase in that
21 retirement pension). A firefighter shall be considered "on
22 duty" while on any assignment approved by the chief of the fire
23 department, even though away from the municipality he or she
24 serves as a firefighter, if the assignment is related to the
25 fire protection service of the municipality.

26 Such firefighter shall also be entitled to a child's
27 disability benefit of \$20 a month on account of each unmarried
28 child less than 18 years of age and dependent upon the
29 firefighter for support, either the issue of the firefighter or
30 legally adopted by him or her. The total amount of child's
31 disability benefit payable to the firefighter, when added to
32 his or her disability pension, shall not exceed 75% of the

1 amount of salary which the firefighter was receiving at the
2 date of retirement.

3 Benefits payable on account of a child under this Section
4 shall not be reduced or terminated by reason of the child's
5 attainment of age 18 if he or she is then dependent by reason
6 of a physical or mental disability but shall continue to be
7 paid as long as such dependency continues. Individuals over the
8 age of 18 and adjudged to be disabled persons pursuant to
9 Article XIa of the Probate Act of 1975, except for persons
10 receiving benefits under Article III of the Illinois Public Aid
11 Code, shall be eligible to receive benefits under this Act.

12 If a firefighter dies while still disabled and receiving a
13 disability pension under this Section, the disability pension
14 shall continue to be paid to the firefighter's survivors but
15 shall, from the date of death, become subject to the
16 requirements, including limitations on amount, that are
17 provided for pensions to survivors under Section 4-114. A
18 pension previously granted under Section 4-114 to a survivor of
19 a firefighter who died while receiving a disability pension
20 under this Section shall be deemed to be a continuation of the
21 pension provided under this Section and shall be deemed to be
22 in the nature of worker's compensation payments. The changes to
23 this Section made by this amendatory Act of 1995 are intended
24 to be retroactive and are not limited to persons in service on
25 or after its effective date.

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