



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5563

Introduced 01/27/06, by Rep. Kevin Joyce

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-151.1  
30 ILCS 805/8.30 new

from Ch. 108 1/2, par. 6-151.1

Amends the Chicago Firefighter Article of the Illinois Pension Code. Provides that if a firefighter who is unable to perform his or her duties because of an occupational disease or disability dies within the initial one-year period during which he or she continues to receive salary rather than an occupational disease disability benefit, the firefighter's surviving spouse may elect to receive the same benefits (including health care benefits) as she or he would have qualified for if the deceased firefighter had been receiving an occupational disease disability benefit at the time of death. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 17409 AMC 52704 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 6-151.1 as follows:

6 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

7 Sec. 6-151.1. Occupational disease disability benefit. The  
8 General Assembly finds and declares that service in the Fire  
9 Department requires that firemen, in times of stress and  
10 danger, must perform unusual tasks; that by reason of their  
11 occupation, firemen are subject to exposure to great heat and  
12 to extreme cold in certain seasons while in performance of  
13 their duties; that by reason of their employment firemen are  
14 required to work in the midst of and are subject to heavy smoke  
15 fumes and carcinogenic, poisonous, toxic or chemical gases from  
16 fires; and that in the course of their rescue and paramedic  
17 duties firemen are exposed to disabling infectious diseases,  
18 including AIDS, hepatitis C, and stroke. The General Assembly  
19 further finds and declares that all the aforementioned  
20 conditions exist and arise out of or in the course of such  
21 employment.

22 Any active fireman who has completed 7 or more years of  
23 service and is unable to perform his duties in the Fire  
24 Department by reason of heart disease, tuberculosis, any  
25 disease of the lungs or respiratory tract, AIDS, hepatitis C,  
26 or stroke resulting from his service as a fireman, shall be  
27 entitled to receive an occupational disease disability benefit  
28 during any period of such disability for which he does not have  
29 a right to receive salary.

30 Any active fireman who has completed 7 or more years of  
31 service and is unable to perform his duties in the fire  
32 department by reason of a disabling cancer, which develops or

1 manifests itself during a period while the fireman is in the  
2 service of the department, shall be entitled to receive an  
3 occupational disease disability benefit during any period of  
4 such disability for which he does not have a right to receive  
5 salary. In order to receive this occupational disease  
6 disability benefit, the type of cancer involved must be a type  
7 which may be caused by exposure to heat, radiation or a known  
8 carcinogen as defined by the International Agency for Research  
9 on Cancer.

10 Any fireman who shall enter the service after the effective  
11 date of this amendatory Act shall be examined by one or more  
12 practicing physicians appointed by the Board, and if that  
13 examination discloses impairment of the heart, lungs, or  
14 respiratory tract, or the existence of AIDS, hepatitis C,  
15 stroke, or cancer, then the fireman shall not be entitled to  
16 receive an occupational disease disability benefit unless and  
17 until a subsequent examination reveals no such impairment,  
18 AIDS, hepatitis C, stroke, or cancer.

19 The occupational disease disability benefit shall be 65% of  
20 the fireman's salary at the time of his removal from the  
21 Department payroll. However, beginning January 1, 1994, no  
22 occupational disease disability benefit that has been payable  
23 under this Section for at least 10 years shall be less than 50%  
24 of the current salary attached from time to time to the rank  
25 and grade held by the fireman at the time of his removal from  
26 the Department payroll, regardless of whether that removal  
27 occurred before the effective date of this amendatory Act of  
28 1993.

29 Such fireman also shall have a right to receive child's  
30 disability benefit of \$30 per month on account of each  
31 unmarried child who is less than 18 years of age or  
32 handicapped, dependent upon the fireman for support, and either  
33 the issue of the fireman or legally adopted by him. The total  
34 amount of child's disability benefit payable to the fireman,  
35 when added to his occupational disease disability benefit,  
36 shall not exceed 75% of the amount of salary which he was

1 receiving at the time of the grant of occupational disease  
2 disability benefit.

3 The first payment of occupational disease disability  
4 benefit or child's disability benefit shall be made not later  
5 than one month after the benefit is granted. Each subsequent  
6 payment shall be made not later than one month after the date  
7 of the latest payment.

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

20 If a fireman who is unable to perform his or her duties  
21 because of an occupational disease or disability dies within  
22 the initial one-year period during which he or she continues to  
23 receive salary rather than an occupational disease disability  
24 benefit, the fireman's surviving spouse may elect to receive  
25 the same benefits (including health care benefits) as he or she  
26 would have qualified for if the deceased fireman had been  
27 receiving an occupational disease disability benefit at the  
28 time of death.

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

30 Section 90. The State Mandates Act is amended by adding  
31 Section 8.30 as follows:

32 (30 ILCS 805/8.30 new)

33 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8  
34 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of  
2 the 94th General Assembly.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.