



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1815

Introduced 2/23/2007, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-151	from Ch. 108 1/2, par. 6-151
40 ILCS 5/6-151.1	from Ch. 108 1/2, par. 6-151.1
30 ILCS 805/8.31 new	

Amends the Chicago Firefighters Article of the Illinois Pension Code. Beginning January 1, 2008, provides that the minimum duty disability benefit shall not be less than 75% of the current salary attached from time to time to the rank held by the fireman at the time of removal from the Department payroll. Provides that the occupational disease disability benefit shall be equal to 65% of the current salary attached from time to time to the rank held by the fireman at the time of his or her removal from the Department payroll. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 09083 AMC 29275 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 Sections 6-151 and 6-151.1 as follows:

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

7 Sec. 6-151. Duty disability benefits. An active fireman who
8 is or becomes disabled on or after the effective date as the
9 result of a specific injury, or of cumulative injuries, or of
10 specific sickness incurred in or resulting from an act or acts
11 of duty, shall have the right to receive duty disability
12 benefit during any period of such disability for which he does
13 not receive or have a right to receive salary. Beginning on
14 January 1, 2008, no duty disability benefit that is payable
15 under this Section shall be less than 75% of the current salary
16 attached from time to time to the rank and grade held by the
17 fireman at the time of removal from the Department payroll,
18 regardless of whether that removal occurred before the
19 effective date of this amendatory Act of the 95th General
20 Assembly. , equal to 75% of his salary at the time the
21 disability is allowed. However, beginning January 1, 1994, no
22 duty disability benefit that has been payable under this
23 Section for at least 10 years shall be less than 50% of the

1 ~~current salary attached from time to time to the rank and grade~~
2 ~~held by the fireman at the time of his removal from the~~
3 ~~Department payroll, regardless of whether that removal~~
4 ~~occurred before the effective date of this amendatory Act of~~
5 ~~1993.~~

6 Whenever an active fireman is or becomes so injured or
7 sick, as to require medical or hospital attention, the chief
8 officer of the fire department of the city shall file, or cause
9 to be filed, with the board a report of the nature and cause of
10 his disability, together with the certificate or report of the
11 physician attending or treating, or who attended or treated the
12 fireman, and a copy of any hospital record concerning the
13 disability. Any injury or sickness not reported to the board in
14 time to permit the board's physician to examine the fireman
15 before his recovery, and any injury or sickness for which a
16 physician's report or copy of the hospital record is not on
17 file with the board shall not be considered for the payment of
18 duty disability benefit.

19 Such fireman shall also receive a child's disability
20 benefit of \$30 per month on account of each unmarried child,
21 the issue of the fireman or legally adopted by him prior to the
22 date of disability, who is less than 18 years of age or
23 handicapped and dependent upon the fireman for support. The
24 total amount of child's disability benefit shall not exceed 25%
25 of his salary at the time the disability is allowed.

26 The first payment of duty disability or child's disability

1 benefit shall be made not later than one month after the
2 benefit is granted. Each subsequent payment shall be made not
3 later than one month after the date of the latest payment.

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

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

16 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

17 Sec. 6-151.1. Occupational disease disability benefits.

18 The General Assembly finds and declares that service in the
19 Fire Department requires that firemen, in times of stress and
20 danger, must perform unusual tasks; that by reason of their
21 occupation, firemen are subject to exposure to great heat and
22 to extreme cold in certain seasons while in performance of
23 their duties; that by reason of their employment firemen are
24 required to work in the midst of and are subject to heavy smoke
25 fumes and carcinogenic, poisonous, toxic or chemical gases from

1 fires; and that in the course of their rescue and paramedic
2 duties firemen are exposed to disabling infectious diseases,
3 including AIDS, hepatitis C, and stroke. The General Assembly
4 further finds and declares that all the aforementioned
5 conditions exist and arise out of or in the course of such
6 employment.

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

15 Any active fireman who has completed 7 or more years of
16 service and is unable to perform his duties in the fire
17 department by reason of a disabling cancer, which develops or
18 manifests itself during a period while the fireman is in the
19 service of the department, shall be entitled to receive an
20 occupational disease disability benefit during any period of
21 such disability for which he does not have a right to receive
22 salary. In order to receive this occupational disease
23 disability benefit, the type of cancer involved must be a type
24 which may be caused by exposure to heat, radiation or a known
25 carcinogen as defined by the International Agency for Research
26 on Cancer.

1 Any fireman who shall enter the service after the effective
2 date of this amendatory Act shall be examined by one or more
3 practicing physicians appointed by the Board, and if that
4 examination discloses impairment of the heart, lungs, or
5 respiratory tract, or the existence of AIDS, hepatitis C,
6 stroke, or cancer, then the fireman shall not be entitled to
7 receive an occupational disease disability benefit unless and
8 until a subsequent examination reveals no such impairment,
9 AIDS, hepatitis C, stroke, or cancer.

10 The occupational disease disability benefit shall be 65% of
11 the current fireman's salary attached from time to time to the
12 rank and grade held by the fireman at the time of his or her
13 removal from the Department payroll. ~~However, beginning~~
14 ~~January 1, 1994, no occupational disease disability benefit~~
15 ~~that has been payable under this Section for at least 10 years~~
16 ~~shall be less than 50% of the current salary attached from time~~
17 ~~to time to the rank and grade held by the fireman at the time of~~
18 ~~his removal from the Department payroll, regardless of whether~~
19 ~~that removal occurred before the effective date of this~~
20 ~~amendatory Act of 1993.~~

21 Such fireman also shall have a right to receive child's
22 disability benefit of \$30 per month on account of each
23 unmarried child who is less than 18 years of age or
24 handicapped, dependent upon the fireman for support, and either
25 the issue of the fireman or legally adopted by him. The total
26 amount of child's disability benefit payable to the fireman,

1 when added to his occupational disease disability benefit,
2 shall not exceed 75% of the amount of salary which he was
3 receiving at the time of the grant of occupational disease
4 disability benefit.

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

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

22 The changes made to this Section by this amendatory Act of
23 the 95th General Assembly apply without regard to whether the
24 fireman was in service on or after its effective date. In the
25 case of a person who is receiving an occupational disease
26 disability benefit on the effective date of this amendatory Act

1 of the 95th General Assembly, the increase, if any, shall begin
2 to accrue on the first benefit payment date following that
3 effective date.

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

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.31 as follows:

7 (30 ILCS 805/8.31 new)

8 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 95th General Assembly.

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