



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4644

by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-109.1
30 ILCS 805/8.32 new

from Ch. 108 1/2, par. 4-109.1

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that, in January 2009, the monthly pension of a firefighter who retired before July 1, 1971 shall be recalculated and increased to reflect the amount that the firefighter would have received in January 2009 had the firefighter been receiving a 3% increase for each year he or she received pension payments. In each January thereafter, provides that he or she shall receive an additional increase of 3% of the amount of the pension then being paid. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 15138 AMC 41101 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 4-109.1 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 retirement
12 if 60 years of age or over at retirement date, or upon the
13 first day of the month following attainment of age 60 if it
14 occurs after the first anniversary of retirement, be increased
15 by 2% of the originally granted monthly pension and by an
16 additional 2% in each January thereafter. Effective January
17 1976, the rate of the annual increase shall be 3% of the
18 originally granted monthly pension.

19 (b) The monthly pension of a firefighter who retired from
20 service with 20 or more years of service, on or before July 1,
21 1971, shall be increased, in January of the year following the
22 year of attaining age 65 or in January 1972, if then over age
23 65, by 2% of the originally granted monthly pension, for each

1 year the firefighter received pension payments. In each January
2 thereafter, he or she shall receive an additional increase of
3 2% of the original monthly pension. Effective January 1976, the
4 rate of the annual increase shall be 3%.

5 (b-1) In January 2009, the monthly pension of a firefighter
6 who retired before July 1, 1971 shall be recalculated and
7 increased to reflect the amount that the firefighter would have
8 received in January 2009 had the firefighter been receiving a
9 3% increase for each year he or she received pension payments.
10 In each January thereafter, he or she shall receive an
11 additional increase of 3% of the amount of the pension then
12 being paid. The changes made to this Section by this amendatory
13 Act of the 95th General Assembly apply without regard to
14 whether the firefighter was in service on or after its
15 effective date.

16 (c) The monthly pension of a firefighter who is receiving a
17 disability pension under this Article shall be increased, in
18 January of the year following the year the firefighter attains
19 age 60, or in January 1974, if then over age 60, by 2% of the
20 originally granted monthly pension for each year he or she
21 received pension payments. In each January thereafter, the
22 firefighter shall receive an additional increase of 2% of the
23 original monthly pension. Effective January 1976, the rate of
24 the annual increase shall be 3%.

25 (c-1) On January 1, 1998, every child's disability benefit
26 payable on that date under Section 4-110 or 4-110.1 shall be

1 increased by an amount equal to 1/12 of 3% of the amount of the
2 benefit, multiplied by the number of months for which the
3 benefit has been payable. On each January 1 thereafter, every
4 child's disability benefit payable under Section 4-110 or
5 4-110.1 shall be increased by 3% of the amount of the benefit
6 then being paid, including any previous increases received
7 under this Article. These increases are not subject to any
8 limitation on the maximum benefit amount included in Section
9 4-110 or 4-110.1.

10 (c-2) On July 1, 2004, every pension payable to or on
11 behalf of a minor or disabled surviving child that is payable
12 on that date under Section 4-114 shall be increased by an
13 amount equal to 1/12 of 3% of the amount of the pension,
14 multiplied by the number of months for which the benefit has
15 been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and
16 July 1, 2008, every pension payable to or on behalf of a minor
17 or disabled surviving child that is payable under Section 4-114
18 shall be increased by 3% of the amount of the pension then
19 being paid, including any previous increases received under
20 this Article. These increases are not subject to any limitation
21 on the maximum benefit amount included in Section 4-114.

22 (d) The monthly pension of a firefighter who retires after
23 January 1, 1986, shall, upon either the first of the month
24 following the first anniversary of the date of retirement if 55
25 years of age or over, or upon the first day of the month
26 following attainment of age 55 if it occurs after the first

1 anniversary of retirement, be increased by 1/12 of 3% of the
2 originally granted monthly pension for each full month that has
3 elapsed since the pension began, and by an additional 3% in
4 each January thereafter.

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

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

25 (Source: P.A. 93-689, eff. 7-1-04.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.32 as follows:

3 (30 ILCS 805/8.32 new)

4 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 95th General Assembly.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.