



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5548

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 805/8.32 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.

LRB095 18218 AMC 44302 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

1 21, 1959. Each future entrant who has completed 23 years of
2 service before reaching age 53 shall have added to this annuity
3 1% of average salary for each completed year of service or
4 fraction thereof in excess of 23 years up to age 53.

5 (b) In lieu of the annuity provided in the foregoing
6 provisions of this Section any future entrant who withdraws
7 from the service either (i) after December 31, 1983 with at
8 least 22 years of service credit and having attained age 52 in
9 the service, or (ii) after December 31, 1984 with at least 21
10 years of service credit and having attained age 51 in the
11 service, or (iii) after December 31, 1985 with at least 20
12 years of service credit and having attained age 50 in the
13 service, or (iv) after December 31, 1990 with at least 20 years
14 of service regardless of age, may elect to receive an annuity,
15 to begin not earlier than upon attainment of age 50 if under
16 that age at withdrawal, computed as follows: an annuity equal
17 to 50% of average salary, plus additional annuity equal to 2%
18 of average salary for each completed year of service or
19 fraction thereof rendered after his completion of the minimum
20 number of years of service required for him to be eligible
21 under this subsection (b). However, the annuity provided under
22 this subsection (b) may not exceed 75% of average salary.

23 (c) In lieu of the annuity provided in any other provision
24 of this Section, a future entrant who withdraws from service
25 after the effective date of this amendatory Act of the 93rd
26 General Assembly with at least 20 years of service may elect to

1 receive an annuity, to begin no earlier than upon attainment of
2 age 50 if under that age at withdrawal, equal to 50% of average
3 salary plus 2.5% of average salary for each completed year of
4 service or fraction thereof over 20, but not to exceed 80% ~~75%~~
5 of average salary (75% if the last day of service is before the
6 effective date of this amendatory Act of the 95th General
7 Assembly).

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

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

12 (40 ILCS 5/6-140) (from Ch. 108 1/2, par. 6-140)

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

14 (a) The annuity for the widow of a fireman whose death
15 results from the performance of an act or acts of duty shall be
16 an amount equal to the following specified percentage ~~50%~~ of
17 the current annual salary attached to the classified position
18 to which the fireman was certified at the time of his death:
19 50% until January 1, 1973; 75% and 75% thereof after December
20 31, 1972 and until the effective date of this amendatory Act of
21 the 95th General Assembly; and 80% on and after that effective
22 date.

23 Unless the performance of an act or acts of duty results
24 directly in the death of the fireman, or prevents him from
25 subsequently resuming active service in the fire department,

1 the annuity herein provided shall not be paid; nor shall such
2 annuities be paid unless the widow was the wife of the fireman
3 at the time of the act or acts of duty which resulted in his
4 death.

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

16 The changes made to this Section by this amendatory Act of
17 the 95th General Assembly apply without regard to whether the
18 deceased fireman was in service on or after the effective date
19 of this amendatory Act.

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

21 (40 ILCS 5/6-144) (from Ch. 108 1/2, par. 6-144)

22 Sec. 6-144. Maximum annuity to fireman. No annuity in
23 excess of 80% ~~75%~~ of the highest salary received by the fireman
24 concerned (75% if the last day of service is before the
25 effective date of this amendatory Act of the 95th General

1 Assembly) shall be granted or paid to him, except to the extent
2 that the annuity may exceed that amount ~~such 75%~~ under the
3 provisions of Section 6-164 of this Article.

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

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

6 Sec. 6-151. Duty disability.

7 (a) An active fireman who is or becomes disabled on or
8 after the effective date as the result of a specific injury, or
9 of cumulative injuries, or of specific sickness incurred in or
10 resulting from an act or acts of duty, shall have the right to
11 receive duty disability benefit during any period of such
12 disability for which he does not receive or have a right to
13 receive salary, equal to 80% ~~75%~~ of his salary at the time the
14 disability is allowed (75% if the disability is allowed before
15 the effective date of this amendatory Act of the 95th General
16 Assembly). However, beginning January 1, 1994, no duty
17 disability benefit that has been payable under this Section for
18 at least 10 years shall be less than 50% of the current salary
19 attached from time to time to the rank and grade held by the
20 fireman at the time of his removal from the Department payroll,
21 regardless of whether that removal occurred before the
22 effective date of this amendatory Act of 1993.

23 (b) Whenever an active fireman is or becomes so injured or
24 sick, as to require medical or hospital attention, the chief
25 officer of the fire department of the city shall file, or cause

1 to be filed, with the board a report of the nature and cause of
2 his disability, together with the certificate or report of the
3 physician attending or treating, or who attended or treated the
4 fireman, and a copy of any hospital record concerning the
5 disability. Any injury or sickness not reported to the board in
6 time to permit the board's physician to examine the fireman
7 before his recovery, and any injury or sickness for which a
8 physician's report or copy of the hospital record is not on
9 file with the board shall not be considered for the payment of
10 duty disability benefit.

11 (c) Such fireman shall also receive a child's disability
12 benefit of \$30 per month on account of each unmarried child,
13 the issue of the fireman or legally adopted by him, who is less
14 than 18 years of age or handicapped and dependent upon the
15 fireman for support. The total amount of child's disability
16 benefit shall not exceed 25% of his salary at the time the
17 disability is allowed.

18 (d) The first payment of duty disability or child's
19 disability benefit shall be made not later than one month after
20 the benefit is granted. Each subsequent payment shall be made
21 not later than one month after the date of the latest payment.

22 Duty disability benefit shall be payable during the period
23 of the disability until the fireman reaches the age of
24 compulsory retirement. Child's disability benefit shall be
25 paid to such a fireman during the period of disability until
26 such child or children attain age 18 or marries, whichever

1 event occurs first; except that attainment of age 18 by a child
2 who is so physically or mentally handicapped as to be dependent
3 upon the fireman for support, shall not render the child
4 ineligible for child's disability benefit. The fireman shall
5 thereafter receive such annuity or annuities as are provided
6 for him in accordance with other provisions of this Article.
7 (Source: P.A. 95-279, eff. 1-1-08.)

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.32 as follows:

10 (30 ILCS 805/8.32 new)

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.