

SB2209



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2209

Introduced 2/14/2008, by Sen. Randall M. Hultgren

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-114.1
40 ILCS 5/4-110

from Ch. 108 1/2, par. 3-114.1
from Ch. 108 1/2, par. 4-110

Amends the Downstate Police and Downstate Firefighter Articles of the Illinois Pension Code to provide that an employing municipality shall have the right to participate in any board hearing related to the granting of line of duty disability pension benefits. Effective immediately.

LRB095 18229 AMC 44313 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 Sections 3-114.1 and 4-110 as follows:

6 (40 ILCS 5/3-114.1) (from Ch. 108 1/2, par. 3-114.1)

7 Sec. 3-114.1. Disability pension - Line of duty.

8 (a) If a police officer as the result of sickness, accident
9 or injury incurred in or resulting from the performance of an
10 act of duty, is found to be physically or mentally disabled for
11 service in the police department, so as to render necessary his
12 or her suspension or retirement from the police service, the
13 police officer shall be entitled to a disability retirement
14 pension equal to the greatest of (1) 65% of the salary attached
15 to the rank on the police force held by the officer at the date
16 of suspension of duty or retirement, (2) the retirement pension
17 that the police officer would be eligible to receive if he or
18 she retired (but not including any automatic annual increase in
19 that retirement pension), or (3) the pension provided under
20 subsection (d), if applicable.

21 A police officer shall be considered "on duty" while on any
22 assignment approved by the chief of the police department of
23 the municipality he or she serves, whether the assignment is

1 within or outside the municipality.

2 (b) If a police officer on disability pension dies while
3 still disabled, the disability pension shall continue to be
4 paid to his or her survivors in the sequence provided in
5 Section 3-112.

6 (c) From and after July 1, 1987, any pension payable under
7 this Section shall be at least \$400 per month, without regard
8 to the fact that the disability or death of the police officer
9 occurred prior to that date. If the minimum pension established
10 in Section 3-113.1 is greater than the minimum provided in this
11 Section, the Section 3-113.1 minimum controls.

12 (d) A disabled police officer who (1) is receiving a
13 pension under this Section on the effective date of this
14 amendatory Act of the 91st General Assembly, (2) files with the
15 Fund, within 30 days after that effective date and annually
16 thereafter while the pension remains payable, a written
17 application for the benefits of this subsection, including an
18 affidavit stating that the applicant has not earned any income
19 from gainful employment during the most recently concluded tax
20 year and a copy of his or her most recent Illinois income tax
21 return, (3) has service credit in the Fund for at least 7 years
22 of active duty, and (4) has been receiving the pension under
23 this Section for a period which, when added to the officer's
24 total service credit in the Fund, equals at least 20 years,
25 shall be eligible to receive an annual noncompounded increase
26 in his or her pension under this Section, equal to 3% of the

1 original pension.

2 The Fund may take appropriate steps to verify the
3 applicant's disability and earnings status, and for this
4 purpose may request from the Department of Revenue a certified
5 copy of the applicant's Illinois income tax return for any year
6 for which a benefit under this Section is payable or has been
7 paid.

8 The annual increase shall accrue on each anniversary of the
9 initial pension payment date, for so long as the pension
10 remains payable to the disabled police officer and the required
11 annual application is made, except that the annual increases
12 under this subsection shall cease if the disabled police
13 officer earns income from gainful employment. Within 60 days
14 after accepting an initial application under this subsection,
15 the Fund shall pay to the disabled police officer, in a lump
16 sum without interest, the amounts resulting from the annual
17 increases that have accrued retroactively.

18 This subsection is not limited to persons in active service
19 on or after its effective date, but it applies only to a
20 pension that is payable under this Section to a disabled police
21 officer (rather than a survivor). Upon the death of the
22 disabled police officer, the annuity payable under this Section
23 to his or her survivors shall include any annual increases
24 previously received, but no additional increases shall accrue
25 under this subsection.

26 (e) An employing municipality shall have the right to

1 participate in any board hearing related to the granting of
2 disability pension benefits under this Section.

3 (Source: P.A. 91-939, eff. 2-1-01.)

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

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

24 Such firefighter shall also be entitled to a child's
25 disability benefit of \$20 a month on account of each unmarried

1 child less than 18 years of age and dependent upon the
2 firefighter for support, either the issue of the firefighter or
3 legally adopted by him or her. The total amount of child's
4 disability benefit payable to the firefighter, when added to
5 his or her disability pension, shall not exceed 75% of the
6 amount of salary which the firefighter was receiving at the
7 date of retirement.

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

17 If a firefighter dies while still disabled and receiving a
18 disability pension under this Section, the disability pension
19 shall continue to be paid to the firefighter's survivors in the
20 sequence provided in Section 4-114. A pension previously
21 granted under Section 4-114 to a survivor of a firefighter who
22 died while receiving a disability pension under this Section
23 shall be deemed to be a continuation of the pension provided
24 under this Section and shall be deemed to be in the nature of
25 worker's compensation payments. The changes to this Section
26 made by this amendatory Act of 1995 are intended to be

1 retroactive and are not limited to persons in service on or
2 after its effective date.

3 An employing municipality shall have the right to
4 participate in any board hearing related to the granting of
5 disability pension benefits under this Section.

6 (Source: P.A. 93-1090, eff. 3-11-05.)

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