



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0638

Introduced 2/6/2009, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-109.1
30 ILCS 805/8.33 new

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

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that, in January 2010, 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 2010 had the firefighter been receiving an increase of 3% of the originally granted monthly pension for each year he or she received pension payments. Provides that in January of 2011, 2012, 2013, 2014, and 2015, he or she shall receive an additional increase of 5% of the originally granted monthly pension, and in each January thereafter, he or she shall receive an additional increase of 3% of the originally granted monthly pension. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 03047 AMC 13062 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 2010, 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 2010 had the firefighter been receiving an
9 increase of 3% of the originally granted monthly pension for
10 each year he or she received pension payments. In January of
11 2011, 2012, 2013, 2014, and 2015, he or she shall receive an
12 additional increase of 5% of the originally granted monthly
13 pension, and in each January thereafter, he or she shall
14 receive an additional increase of 3% of the originally granted
15 monthly pension. The increases provided under this subsection
16 (b-1) are in lieu of the increases provided in any other
17 provision of this Section. The changes made to this Section by
18 this amendatory Act of the 96th General Assembly apply without
19 regard to whether the firefighter was in service on or after
20 its effective date.

21 (c) The monthly pension of a firefighter who is receiving a
22 disability pension under this Article shall be increased, in
23 January of the year following the year the firefighter attains
24 age 60, or in January 1974, if then over age 60, by 2% of the
25 originally granted monthly pension for each year he or she
26 received pension payments. In each January thereafter, the

1 firefighter shall receive an additional increase of 2% of the
2 original monthly pension. Effective January 1976, the rate of
3 the annual increase shall be 3%.

4 (c-1) On January 1, 1998, every child's disability benefit
5 payable on that date under Section 4-110 or 4-110.1 shall be
6 increased by an amount equal to 1/12 of 3% of the amount of the
7 benefit, multiplied by the number of months for which the
8 benefit has been payable. On each January 1 thereafter, every
9 child's disability benefit payable under Section 4-110 or
10 4-110.1 shall be increased by 3% of the amount of the benefit
11 then being paid, including any previous increases received
12 under this Article. These increases are not subject to any
13 limitation on the maximum benefit amount included in Section
14 4-110 or 4-110.1.

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

1 (d) The monthly pension of a firefighter who retires after
2 January 1, 1986, shall, upon either the first of the month
3 following the first anniversary of the date of retirement if 55
4 years of age or over, or upon the first day of the month
5 following attainment of age 55 if it occurs after the first
6 anniversary of retirement, be increased by 1/12 of 3% of the
7 originally granted monthly pension for each full month that has
8 elapsed since the pension began, and by an additional 3% in
9 each January thereafter.

10 The changes made to this subsection (d) by this amendatory
11 Act of the 91st General Assembly apply to all initial increases
12 that become payable under this subsection on or after January
13 1, 1999. All initial increases that became payable under this
14 subsection on or after January 1, 1999 and before the effective
15 date of this amendatory Act shall be recalculated and the
16 additional amount accruing for that period, if any, shall be
17 payable to the pensioner in a lump sum.

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

1 each January thereafter. The increases provided under this
2 subsection are in lieu of the increases provided in subsection
3 (a).

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

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.33 as follows:

7 (30 ILCS 805/8.33 new)

8 Sec. 8.33. 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 96th General Assembly.

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