



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5396

Introduced 2/5/2010, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-154.1
30 ILCS 805/8.34 new

from Ch. 108 1/2, par. 5-154.1

Amends the Chicago Police Article of the Illinois Pension Code. 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 police officer at the time of his or her removal from the police department payroll (now the greater of 65% of the salary attached to the rank held by the police officer in the police service at the time of his or her removal from the police department payroll or 50% of the current salary attached from time to time to the rank held by the police officer at the time of his or her removal from the police department payroll). Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 18670 AMC 34054 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 Section 5-154.1 as follows:

6 (40 ILCS 5/5-154.1) (from Ch. 108 1/2, par. 5-154.1)

7 Sec. 5-154.1. Occupational disease disability benefit.

8 (a) The General Assembly finds that service in the police
9 department requires police officers in times of stress and
10 danger to perform unusual tasks; that police officers are
11 subject to exposure to extreme heat or extreme cold in certain
12 seasons while performing their duties; and that these
13 conditions exist and arise out of or in the course of
14 employment.

15 (b) Any police officer with at least 10 years of service
16 who suffers a heart attack or any other disabling heart disease
17 but is not entitled to a benefit under Section 5-154 is
18 entitled to receive an occupational disease disability benefit
19 under this Section. The occupational disease disability
20 benefit shall be 65% of the current salary attached from time
21 to time to the rank held by the police officer ~~in the police~~
22 ~~service~~ at the time of his or her removal from the police
23 department payroll. ~~However, no occupational disease~~

1 ~~disability benefit that has been payable under this Section for~~
2 ~~at least 10 years shall be less than 50% of the current salary~~
3 ~~attached from time to time to the rank held by the police~~
4 ~~officer at the time of his or her removal from the police~~
5 ~~department payroll.~~

6 The police officer is also entitled to a child's disability
7 benefit of \$100 per month for each natural or legally adopted
8 unmarried child less than age 18 dependent upon the police
9 officer for support. The total child's disability benefit shall
10 not exceed 10% of the police officer's salary at the time of
11 removal from the police department payroll. The increase in
12 child's disability benefit provided by this amendatory Act of
13 the 92nd General Assembly applies beginning January 1, 2000 to
14 all such benefits payable on or after that date, regardless of
15 whether the disabled policeman is in active service on or after
16 the effective date of this amendatory Act.

17 The occupational disease disability benefit is payable
18 during the period of disability until the police officer
19 attains age 63 or compulsory retirement age, whichever occurs
20 later; thereafter the police officer shall receive the benefits
21 provided under the other provisions of this Article. If the
22 police officer ceases to be disabled, the occupational disease
23 disability benefit shall cease.

24 The child's disability benefit is payable during the period
25 of disability until the child attains age 18 or marries,
26 whichever event occurs first, except that a benefit payable on

1 account of a child under this Section shall not be reduced or
2 terminated by reason of the child's attainment of age 18 if he
3 or she is then dependent by reason of a physical or mental
4 disability, but shall continue to be paid as long as the
5 child's dependency and disability continue.

6 The changes made to this subsection (b) by this amendatory
7 Act of the 96th General Assembly apply without regard to
8 whether the police officer was in service on or after its
9 effective date. In the case of a person who is receiving an
10 occupational disease disability benefit on the effective date
11 of this amendatory Act of the 96th General Assembly, the
12 increase, if any, shall begin to accrue on the first benefit
13 payment date following that effective date.

14 (Source: P.A. 92-52, eff. 7-12-01.)

15 Section 90. The State Mandates Act is amended by adding
16 Section 8.34 as follows:

17 (30 ILCS 805/8.34 new)

18 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
19 of this Act, no reimbursement by the State is required for the
20 implementation of any mandate created by this amendatory Act of
21 the 96th General Assembly.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.