



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1375

Introduced 2/6/2013, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-114

from Ch. 108 1/2, par. 4-114

30 ILCS 805/8.37 new

Amends the Downstate Firefighter Article of the Illinois Pension Code. In certain cases where a deceased firefighter left a surviving minor child but no surviving spouse, increases the pension payable to the guardian of the child from 12% to 20% of the firefighter's monthly salary. For eligible persons receiving the 12% pension on the effective date, the increase takes effect on the pension payment date occurring on or next following the effective date of this amendatory Act. Applies without regard to whether the deceased firefighter was in service on or after the effective date of this amendatory Act. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB098 04254 EFG 34281 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning public employee retirement 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 4-114 as follows:

6 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

7 Sec. 4-114. Pension to survivors. If a firefighter who is
8 not receiving a disability pension under Section 4-110 or
9 4-110.1 dies (1) as a result of any illness or accident, or (2)
10 from any cause while in receipt of a disability pension under
11 this Article, or (3) during retirement after 20 years service,
12 or (4) while vested for or in receipt of a pension payable
13 under subsection (b) of Section 4-109, or (5) while a deferred
14 pensioner, having made all required contributions, a pension
15 shall be paid to his or her survivors, based on the monthly
16 salary attached to the firefighter's rank on the last day of
17 service in the fire department, as follows:

18 (a) (1) To the surviving spouse, a monthly pension of
19 40% of the monthly salary, and if there is a surviving
20 spouse, to the guardian of any minor child or children
21 including a child which has been conceived but not yet
22 born, 12% of such monthly salary for each such child until
23 attainment of age 18 or until the child's marriage,

1 whichever occurs first. Beginning July 1, 1993, the monthly
2 pension to the surviving spouse shall be 54% of the monthly
3 salary for all persons receiving a surviving spouse pension
4 under this Article, regardless of whether the deceased
5 firefighter was in service on or after the effective date
6 of this amendatory Act of 1993.

7 (2) Beginning July 1, 2004, unless the amount provided
8 under paragraph (1) of this subsection (a) is greater, the
9 total monthly pension payable under this paragraph (a),
10 including any amount payable on account of children, to the
11 surviving spouse of a firefighter who died (i) while
12 receiving a retirement pension, (ii) while he or she was a
13 deferred pensioner with at least 20 years of creditable
14 service, or (iii) while he or she was in active service
15 having at least 20 years of creditable service, regardless
16 of age, shall be no less than 100% of the monthly
17 retirement pension earned by the deceased firefighter at
18 the time of death, regardless of whether death occurs
19 before or after attainment of age 50, including any
20 increases under Section 4-109.1. This minimum applies to
21 all such surviving spouses who are eligible to receive a
22 surviving spouse pension, regardless of whether the
23 deceased firefighter was in service on or after the
24 effective date of this amendatory Act of the 93rd General
25 Assembly, and notwithstanding any limitation on maximum
26 pension under paragraph (d) or any other provision of this

1 Article.

2 (3) If the pension paid on and after July 1, 2004 to
3 the surviving spouse of a firefighter who died on or after
4 July 1, 2004 and before the effective date of this
5 amendatory Act of the 93rd General Assembly was less than
6 the minimum pension payable under paragraph (1) or (2) of
7 this subsection (a), the fund shall pay a lump sum equal to
8 the difference within 90 days after the effective date of
9 this amendatory Act of the 93rd General Assembly.

10 The pension to the surviving spouse shall terminate in
11 the event of the surviving spouse's remarriage prior to
12 July 1, 1993; remarriage on or after that date does not
13 affect the surviving spouse's pension, regardless of
14 whether the deceased firefighter was in service on or after
15 the effective date of this amendatory Act of 1993.

16 The surviving spouse's pension shall be subject to the
17 minimum established in Section 4-109.2.

18 (b) Upon the death of the surviving spouse leaving one
19 or more minor children, or upon the death of a firefighter
20 leaving one or more minor children but no surviving spouse,
21 to the duly appointed guardian of each such child, for
22 support and maintenance of each such child until the child
23 reaches age 18 or marries, whichever occurs first, a
24 monthly pension of 20% of the monthly salary.

25 In a case where the deceased firefighter left one or
26 more minor children but no surviving spouse and the

1 guardian of a child is receiving a pension of 12% of the
2 monthly salary on the effective date of this amendatory
3 Act, the pension is increased by this amendatory Act to 20%
4 of the monthly salary for each such child, beginning on the
5 pension payment date occurring on or next following the
6 effective date of this amendatory Act. The changes to this
7 Section made by this amendatory Act of the 98th General
8 Assembly apply without regard to whether the deceased
9 firefighter was in service on or after the effective date
10 of this amendatory Act.

11 (c) If a deceased firefighter leaves no surviving
12 spouse or unmarried minor children under age 18, but leaves
13 a dependent father or mother, to each dependent parent a
14 monthly pension of 18% of the monthly salary. To qualify
15 for the pension, a dependent parent must furnish
16 satisfactory proof that the deceased firefighter was at the
17 time of his or her death the sole supporter of the parent
18 or that the parent was the deceased's dependent for federal
19 income tax purposes.

20 (d) The total pension provided under paragraphs (a),
21 (b) and (c) of this Section shall not exceed 75% of the
22 monthly salary of the deceased firefighter (1) when paid to
23 the survivor of a firefighter who has attained 20 or more
24 years of service credit and who receives or is eligible to
25 receive a retirement pension under this Article, or (2)
26 when paid to the survivor of a firefighter who dies as a

1 result of illness or accident, or (3) when paid to the
2 survivor of a firefighter who dies from any cause while in
3 receipt of a disability pension under this Article, or (4)
4 when paid to the survivor of a deferred pensioner. For all
5 other survivors of deceased firefighters, the total
6 pension provided under paragraphs (a), (b) and (c) of this
7 Section shall not exceed 50% of the retirement annuity the
8 firefighter would have received on the date of death.

9 The maximum pension limitations in this paragraph (d)
10 do not control over any contrary provision of this Article
11 explicitly establishing a minimum amount of pension or
12 granting a one-time or annual increase in pension.

13 (e) If a firefighter leaves no eligible survivors under
14 paragraphs (a), (b) and (c), the board shall refund to the
15 firefighter's estate the amount of his or her accumulated
16 contributions, less the amount of pension payments, if any,
17 made to the firefighter while living.

18 (f) (Blank).

19 (g) If a judgment of dissolution of marriage between a
20 firefighter and spouse is judicially set aside subsequent
21 to the firefighter's death, the surviving spouse is
22 eligible for the pension provided in paragraph (a) only if
23 the judicial proceedings are filed within 2 years after the
24 date of the dissolution of marriage and within one year
25 after the firefighter's death and the board is made a party
26 to the proceedings. In such case the pension shall be

1 payable only from the date of the court's order setting
2 aside the judgment of dissolution of marriage.

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

13 (i) Beginning January 1, 2000, the pension of the
14 surviving spouse of a firefighter who dies on or after
15 January 1, 1994 as a result of sickness, accident, or
16 injury incurred in or resulting from the performance of an
17 act of duty or from the cumulative effects of acts of duty
18 shall not be less than 100% of the salary attached to the
19 rank held by the deceased firefighter on the last day of
20 service, notwithstanding subsection (d) or any other
21 provision of this Article.

22 (j) Beginning July 1, 2004, the pension of the
23 surviving spouse of a firefighter who dies on or after
24 January 1, 1988 as a result of sickness, accident, or
25 injury incurred in or resulting from the performance of an
26 act of duty or from the cumulative effects of acts of duty

1 shall not be less than 100% of the salary attached to the
2 rank held by the deceased firefighter on the last day of
3 service, notwithstanding subsection (d) or any other
4 provision of this Article.

5 Notwithstanding any other provision of this Article, if a
6 person who first becomes a firefighter under this Article on or
7 after January 1, 2011 and who is not receiving a disability
8 pension under Section 4-110 or 4-110.1 dies (1) as a result of
9 any illness or accident, (2) from any cause while in receipt of
10 a disability pension under this Article, (3) during retirement
11 after 20 years service, (4) while vested for or in receipt of a
12 pension payable under subsection (b) of Section 4-109, or (5)
13 while a deferred pensioner, having made all required
14 contributions, then a pension shall be paid to his or her
15 survivors in the amount of 66 2/3% of the firefighter's earned
16 pension at the date of death. Nothing in this Section shall act
17 to diminish the survivor's benefits described in subsection (j)
18 of this Section.

19 Notwithstanding any other provision of this Article, the
20 monthly pension of a survivor of a person who first becomes a
21 firefighter under this Article on or after January 1, 2011
22 shall be increased on the January 1 after attainment of age 60
23 by the recipient of the survivor's pension and each January 1
24 thereafter by 3% or one-half the annual unadjusted percentage
25 increase in the consumer price index-u for the 12 months ending
26 with the September preceding each November 1, whichever is

1 less, of the originally granted survivor's pension. If the
2 annual unadjusted percentage change in the consumer price
3 index-u for a 12-month period ending in September is zero or,
4 when compared with the preceding period, decreases, then the
5 survivor's pension shall not be increased.

6 For the purposes of this Section, "consumer price index-u"
7 means the index published by the Bureau of Labor Statistics of
8 the United States Department of Labor that measures the average
9 change in prices of goods and services purchased by all urban
10 consumers, United States city average, all items, 1982-84 =
11 100. The new amount resulting from each annual adjustment shall
12 be determined by the Public Pension Division of the Department
13 of Insurance and made available to the boards of the pension
14 funds.

15 (Source: P.A. 95-279, eff. 1-1-08; 96-1495, eff. 1-1-11.)

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.37 as follows:

18 (30 ILCS 805/8.37 new)

19 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 98th General Assembly.

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