



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2711

Introduced 2/21/2013, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-109.1
30 ILCS 805/8.37 new

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

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that, in July 2013, the monthly pension of a firefighter who retired on or before January 1, 1986 shall be recalculated and increased to reflect the amount that the firefighter would have received in July 2013 had the firefighter been receiving a 3% compounded increase for each year he or she received pension payments after January 1, 1986, plus any increases in pension received for each year prior to January 1, 1986. In each January thereafter, provides that he or she shall receive an additional increase of 3% of the amount of the pension then being paid. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB098 03798 JDS 33814 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 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 (c) The monthly pension of a firefighter who is receiving a
6 disability pension under this Article shall be increased, in
7 January of the year following the year the firefighter attains
8 age 60, or in January 1974, if then over age 60, by 2% of the
9 originally granted monthly pension for each year he or she
10 received pension payments. In each January thereafter, the
11 firefighter shall receive an additional increase of 2% of the
12 original monthly pension. Effective January 1976, the rate of
13 the annual increase shall be 3%.

14 (c-1) On January 1, 1998, every child's disability benefit
15 payable on that date under Section 4-110 or 4-110.1 shall be
16 increased by an amount equal to 1/12 of 3% of the amount of the
17 benefit, multiplied by the number of months for which the
18 benefit has been payable. On each January 1 thereafter, every
19 child's disability benefit payable under Section 4-110 or
20 4-110.1 shall be increased by 3% of the amount of the benefit
21 then being paid, including any previous increases received
22 under this Article. These increases are not subject to any
23 limitation on the maximum benefit amount included in Section
24 4-110 or 4-110.1.

25 (c-2) On July 1, 2004, every pension payable to or on
26 behalf of a minor or disabled surviving child that is payable

1 on that date under Section 4-114 shall be increased by an
2 amount equal to 1/12 of 3% of the amount of the pension,
3 multiplied by the number of months for which the benefit has
4 been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and
5 July 1, 2008, every pension payable to or on behalf of a minor
6 or disabled surviving child that is payable under Section 4-114
7 shall be increased by 3% of the amount of the pension then
8 being paid, including any previous increases received under
9 this Article. These increases are not subject to any limitation
10 on the maximum benefit amount included in Section 4-114.

11 (d) The monthly pension of a firefighter who retires after
12 January 1, 1986, shall, upon either the first of the month
13 following the first anniversary of the date of retirement if 55
14 years of age or over, or upon the first day of the month
15 following attainment of age 55 if it occurs after the first
16 anniversary of retirement, be increased by 1/12 of 3% of the
17 originally granted monthly pension for each full month that has
18 elapsed since the pension began, and by an additional 3% in
19 each January thereafter.

20 The changes made to this subsection (d) by this amendatory
21 Act of the 91st General Assembly apply to all initial increases
22 that become payable under this subsection on or after January
23 1, 1999. All initial increases that became payable under this
24 subsection on or after January 1, 1999 and before the effective
25 date of this amendatory Act shall be recalculated and the
26 additional amount accruing for that period, if any, shall be

1 payable to the pensioner in a lump sum.

2 (e) Notwithstanding the provisions of subsection (a), upon
3 the first day of the month following (1) the first anniversary
4 of the date of retirement, or (2) the attainment of age 55, or
5 (3) July 1, 1987, whichever occurs latest, the monthly pension
6 of a firefighter who retired on or after January 1, 1977 and on
7 or before January 1, 1986 and did not receive an increase under
8 subsection (a) before July 1, 1987, shall be increased by 3% of
9 the originally granted monthly pension for each full year that
10 has elapsed since the pension began, and by an additional 3% in
11 each January thereafter. The increases provided under this
12 subsection are in lieu of the increases provided in subsection
13 (a).

14 (f) In July 2009, the monthly pension of a firefighter who
15 retired before July 1, 1977 shall be recalculated and increased
16 to reflect the amount that the firefighter would have received
17 in July 2009 had the firefighter been receiving a 3% compounded
18 increase for each year he or she received pension payments
19 after January 1, 1986, plus any increases in pension received
20 for each year prior to January 1, 1986. In each January
21 thereafter, he or she shall receive an additional increase of
22 3% of the amount of the pension then being paid. The changes
23 made to this Section by this amendatory Act of the 96th General
24 Assembly apply without regard to whether the firefighter was in
25 service on or after its effective date.

26 (f-5) In July 2013, the monthly pension of a firefighter

1 who retired on or before January 1, 1986 shall be recalculated
2 and increased to reflect the amount that the firefighter would
3 have received in July 2013 had the firefighter been receiving a
4 3% compounded increase for each year he or she received pension
5 payments after January 1, 1986, plus any increases in pension
6 received for each year prior to January 1, 1986. In each
7 January thereafter, he or she shall receive an additional
8 increase of 3% of the amount of the pension then being paid.
9 The changes made to this Section by this amendatory Act of the
10 98th General Assembly apply without regard to whether the
11 firefighter was in service on or after its effective date.

12 (g) Notwithstanding any other provision of this Article,
13 the monthly pension of a person who first becomes a firefighter
14 under this Article on or after January 1, 2011 shall be
15 increased on the January 1 occurring either on or after the
16 attainment of age 60 or the first anniversary of the pension
17 start date, whichever is later. Each annual increase shall be
18 calculated at 3% or one-half the annual unadjusted percentage
19 increase (but not less than zero) in the consumer price index-u
20 for the 12 months ending with the September preceding each
21 November 1, whichever is less, of the originally granted
22 pension. If the annual unadjusted percentage change in the
23 consumer price index-u for a 12-month period ending in
24 September is zero or, when compared with the preceding period,
25 decreases, then the pension shall not be increased.

26 For the purposes of this subsection (g), "consumer price

1 index-u" means the index published by the Bureau of Labor
2 Statistics of the United States Department of Labor that
3 measures the average change in prices of goods and services
4 purchased by all urban consumers, United States city average,
5 all items, 1982-84 = 100. The new amount resulting from each
6 annual adjustment shall be determined by the Public Pension
7 Division of the Department of Insurance and made available to
8 the boards of the pension funds.

9 (Source: P.A. 96-775, eff. 8-28-09; 96-1495, eff. 1-1-11.)

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.37 as follows:

12 (30 ILCS 805/8.37 new)

13 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 98th General Assembly.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.