

1 AN ACT in relation to 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
5 changing Section 6-111 as follows:

6 (40 ILCS 5/6-111) (from Ch. 108 1/2, par. 6-111)
7 Sec. 6-111. Salary. "Salary": Subject to Section 6-211,
8 the annual salary of a fireman, as follows:

9 (a) For age and service annuity, minimum annuity, and
10 disability benefits, the actual amount of the annual salary,
11 except as otherwise provided in this Article.‡

12 (b) For prior service annuity, widow's annuity, widow's
13 prior service annuity and child's annuity to and including
14 August 31, 1957, the amount of the annual salary up to a
15 maximum of \$3,000.‡

16 (c) Except as otherwise provided in Section 6-141.1, for
17 widow's annuity, beginning September 1, 1957, the amount of
18 annual salary up to a maximum of \$6,000.

19 (d) Beginning on the effective date of this amendatory
20 Act of the 92nd General Assembly (and for any period prior to
21 that date for which contributions have been paid under
22 subsection (e) of this Section), the salary of a fireman, as
23 calculated for any purpose under this Article, shall include
24 any duty availability pay received by the fireman (i)
25 pursuant to a collective bargaining agreement or (ii)
26 pursuant to an appropriation ordinance in an amount
27 equivalent to the amount of duty availability pay received by
28 other firemen pursuant to a collective bargaining agreement,
29 and references in this Article to the salary attached to or
30 appropriated for the permanent assigned position or
31 classified career service rank, grade, or position of the

1 fireman shall be deemed to include that duty availability
2 pay.

3 (e) An active or former fireman who received duty
4 availability pay at any time after December 31, 1994 and
5 before the effective date of this amendatory Act of the 92nd
6 General Assembly and who either (1) retired during that
7 period or (2) had attained age 46 and at least 16 years of
8 service by the effective date of this amendatory Act may
9 elect to have that duty availability pay included in the
10 calculation of his or her salary for any portion of that
11 period for which the pay was received, by applying in writing
12 and paying to the Fund, before January 1, 2005, the
13 corresponding employee contribution, without interest.

14 In the case of an applicant who is receiving an annuity
15 at the time the application and contribution are received by
16 the Fund, the annuity shall be recalculated and the resulting
17 increase shall become payable on the next annuity payment
18 date following the date the contribution is received by the
19 Fund.

20 In the case of an active or former fireman who (i) dies
21 before January 1, 2005 without making an election under this
22 subsection and (ii) was eligible to make an election under
23 this subsection at the time of death (or would have been
24 eligible had the death occurred after the effective date of
25 this amendatory Act), any surviving spouse, child, or parent
26 of the fireman who is eligible to receive a benefit under
27 this Article based on the fireman's salary may make that
28 election and pay the required contribution on behalf of the
29 deceased fireman. If the death occurs within the 30 days
30 immediately preceding January 1, 2005, the deadline for
31 application and payment is extended to January 31, 2005.

32 Any duty availability pay for which the corresponding
33 employee contribution has not been paid shall not be included
34 in the calculation of salary.

1 (f) The changes to this Section made by this amendatory
2 Act of the 92nd General Assembly are not limited to firemen
3 in service on or after the effective date of this amendatory
4 Act.

5 (Source: P.A. 83-1362.)

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.26 as follows:

8 (30 ILCS 805/8.26 new)

9 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
10 and 8 of this Act, no reimbursement by the State is required
11 for the implementation of any mandate created by this
12 amendatory Act of the 92nd General Assembly.

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