

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 Sections 6-128, 6-140, 6-144, and 6-151 as follows:

6 (40 ILCS 5/6-128) (from Ch. 108 1/2, par. 6-128)
7 Sec. 6-128. Alternative annuity for future entrants.

8 (a) A future entrant who withdraws on or after July 21,
9 1959, after completing at least 23 years of service, and for
10 whom the annuity otherwise provided in this Article is less
11 than that stated in this Section, has a right to receive
12 annuity as follows:

13 If he is age 53 or more on withdrawal, his annuity after
14 withdrawal, shall be equal to 50% of his average salary
15 ~~determined by striking an average of 4 consecutive highest~~
16 ~~years of salary within the last 10 years of service~~
17 ~~immediately preceding the date of withdrawal.~~

18 An employee who reaches compulsory retirement age and who
19 has less than 23 years of service shall be entitled to a
20 minimum annuity equal to an amount determined by the product
21 of (1) his years of service and (2) 2% of his average salary
22 ~~for the 4 consecutive highest years of salary within the last~~
23 ~~10 years of service immediately prior to his reaching~~
24 ~~compulsory retirement age.~~

25 An employee who remains in service after qualifying for
26 annuity under this Section shall have added to this annuity
27 an additional 1% of average salary for each completed year of
28 service or fraction thereof rendered until July 21, 1959, and
29 an additional 1% for a total of 2% of average salary from
30 July 21, 1959. Each future entrant who has completed 23
31 years of service before reaching age 53 shall have added to

1 this annuity 1% of average salary for each completed year of
 2 service or fraction thereof in excess of 23 years up to age
 3 53. "Salary"--as--referred--to--in--this--paragraph--shall--be
 4 determined--by--striking--an--average--of--the--4--consecutive
 5 highest--years--of--salary--within--the--last--10--years--of--service
 6 immediately--preceding--withdrawal.

7 (b) In lieu of the annuity provided in the foregoing
 8 provisions of this Section any future entrant who withdraws
 9 from the service either (i) after December 31, 1983 with at
 10 least 22 years of service credit and having attained age 52
 11 in the service, or (ii) after December 31, 1984 with at least
 12 21 years of service credit and having attained age 51 in the
 13 service, or (iii) after December 31, 1985 with at least 20
 14 years of service credit and having attained age 50 in the
 15 service, or (iv) after December 31, 1990 with at least 20
 16 years of service regardless of age, may elect to receive an
 17 annuity, to begin not earlier than upon attainment of age 50
 18 if under that age at withdrawal, computed as follows: an
 19 annuity equal to 50% of the average salary ~~for the 4 highest~~
 20 ~~consecutive years of the last 10 years of service~~, plus
 21 additional annuity equal to 2% of such average salary for
 22 each completed year of service or fraction thereof rendered
 23 after his completion of the minimum number of years of
 24 service required for him to be eligible under this subsection
 25 (b). However, the annuity provided under this subsection (b)
 26 may not exceed 80% 75% of such average salary (75% if the
 27 last day of service is before the effective date of this
 28 amendatory Act of the 92nd General Assembly).

29 (c) For the purpose of this Section, "average salary"
 30 means the average of the highest 4 consecutive years of
 31 salary within the last 10 years of service.

32 (Source: P.A. 86-1488.)

1 Sec. 6-140. Death in the line of duty.

2 (a) The annuity for the widow of a fireman whose death
3 results from the performance of an act or acts of duty shall
4 be an amount equal to the following specified percentage 50%
5 of the current annual salary attached to the classified
6 position to which the fireman was certified at the time of
7 his death: 50% until January 1, 1973; 75% and--75%--thereof
8 after December 31, 1972 and until the effective date of this
9 amendatory Act of the 92nd General Assembly; and 80% on and
10 after that effective date.

11 Unless the performance of an act or acts of duty results
12 directly in the death of the fireman, or prevents him from
13 subsequently resuming active service in the fire department,
14 the annuity herein provided shall not be paid; nor shall such
15 annuities be paid unless the widow was the wife of the
16 fireman at the time of the act or acts of duty which resulted
17 in his death.

18 (b) The changes made to this Section by Public Act 92-50
19 and this--amendatory--Act-of-the-92nd-General-Assembly apply
20 without regard to whether the deceased fireman was in service
21 on or after the effective date of that this--amendatory Act.
22 In the case of a widow receiving an annuity under this
23 Section that has been reduced to 40% of current salary
24 because the fireman, had he lived, would have attained the
25 age prescribed for compulsory retirement, the annuity shall
26 be restored to the amount provided in subsection (a), with
27 the increase beginning to accrue on the later of January 1,
28 2001 or the day the annuity first became payable.

29 The changes made to this Section by this amendatory Act
30 of the 92nd General Assembly apply without regard to whether
31 the deceased fireman was in service on or after the effective
32 date of this amendatory Act.

33 (Source: P.A. 92-50, eff. 7-12-01.)

1 (40 ILCS 5/6-144) (from Ch. 108 1/2, par. 6-144)

2 Sec. 6-144. Maximum annuity to fireman. No annuity in
3 excess of 80% (75% if the last day of service is before the
4 effective date of this amendatory Act of the 92nd General
5 Assembly) of the highest salary received by the fireman
6 concerned shall be granted or paid to him except to the
7 extent that the annuity may exceed that amount such-75% under
8 the provisions of Section 6-164 of this Article.

9 (Source: P. A. 77-1353.)

10 (40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

11 Sec. 6-151. Duty disability.

12 (a) An active fireman who is or becomes disabled on or
13 after the effective date as the result of a specific injury,
14 or of cumulative injuries, or of specific sickness incurred
15 in or resulting from an act or acts of duty, shall have the
16 right to receive duty disability benefit during any period of
17 such disability for which he does not receive or have a right
18 to receive salary, equal to 80% 75% of his salary at the time
19 the disability is allowed (75% if the disability is allowed
20 before the effective date of this amendatory Act of the 92nd
21 General Assembly). However, beginning January 1, 1994, no
22 duty disability benefit that has been payable under this
23 Section for at least 10 years shall be less than 50% of the
24 current salary attached from time to time to the rank and
25 grade held by the fireman at the time of his removal from the
26 Department payroll, regardless of whether that removal
27 occurred before the effective date of this amendatory Act of
28 1993.

29 (b) Whenever an active fireman is or becomes so injured
30 or sick, as to require medical or hospital attention, the
31 chief officer of the fire department of the city shall file,
32 or cause to be filed, with the board a report of the nature
33 and cause of his disability, together with the certificate or

1 report of the physician attending or treating, or who
2 attended or treated the fireman, and a copy of any hospital
3 record concerning the disability. Any injury or sickness not
4 reported to the board in time to permit the board's physician
5 to examine the fireman before his recovery, and any injury or
6 sickness for which a physician's report or copy of the
7 hospital record is not on file with the board shall not be
8 considered for the payment of duty disability benefit.

9 (c) Such fireman shall also receive a child's disability
10 benefit of \$30 per month on account of each unmarried child,
11 the issue of the fireman or legally adopted by him prior to
12 the date of disability, who is less than 18 years of age or
13 handicapped and dependent upon the fireman for support. The
14 total amount of child's disability benefit shall not exceed
15 25% of his salary at the time the disability is allowed.

16 (d) The first payment of duty disability or child's
17 disability benefit shall be made not later than one month
18 after the benefit is granted. Each subsequent payment shall
19 be made not later than one month after the date of the latest
20 payment.

21 Duty disability benefit shall be payable during the
22 period of the disability until the fireman reaches the age of
23 compulsory retirement. Child's disability benefit shall be
24 paid to such a fireman during the period of disability until
25 such child or children attain age 18 or marries, whichever
26 event occurs first; except that attainment of age 18 by a
27 child who is so physically or mentally handicapped as to be
28 dependent upon the fireman for support, shall not render the
29 child ineligible for child's disability benefit. The fireman
30 shall thereafter receive such annuity or annuities as are
31 provided for him in accordance with other provisions of this
32 Article.

33 (Source: P.A. 88-528.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.26 as follows:

3 (30 ILCS 805/8.26 new)

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.