

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 4-109.1, 4-109.2, and 4-114 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  
12 retirement if 60 years of age or over at retirement date, or  
13 upon the first day of the month following attainment of age  
14 60 if it occurs after the first anniversary of retirement, be  
15 increased by 2% of the originally granted monthly pension and  
16 by an additional 2% in each January thereafter. Effective  
17 January 1976, the rate of the annual increase shall be 3% of  
18 the originally granted monthly pension.

19 (b) The monthly pension of a firefighter who retired  
20 from service with 20 or more years of service, on or before  
21 July 1, 1971, shall be increased, in January of the year  
22 following the year of attaining age 65 or in January 1972, if  
23 then over age 65, by 2% of the originally granted monthly  
24 pension, for each year the firefighter received pension  
25 payments. In each January thereafter, he or she shall  
26 receive an additional increase of 2% of the original monthly  
27 pension. Effective January 1976, the rate of the annual  
28 increase shall be 3%.

29 (c) The monthly pension of a firefighter who is  
30 receiving a disability pension under this Article shall be  
31 increased, in January of the year following the year the

1 firefighter attains age 60, or in January 1974, if then over  
2 age 60, by 2% of the originally granted monthly pension for  
3 each year he or she received pension payments. In each  
4 January thereafter, the firefighter shall receive an  
5 additional increase of 2% of the original monthly pension.  
6 Effective January 1976, the rate of the annual increase shall  
7 be 3%.

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

19 (c-2) On January 1, 2003, every pension payable to or on  
20 behalf of a minor or disabled surviving child that is payable  
21 on that date under Section 4-114 shall be increased by an  
22 amount equal to 1/12 of 3% of the amount of the pension,  
23 multiplied by the number of months for which the benefit has  
24 been payable. On each January 1 thereafter, every pension  
25 payable to or on behalf of a minor or disabled surviving  
26 child that is payable under Section 4-114 shall be increased  
27 by 3% of the amount of the pension then being paid, including  
28 any previous increases received under this Article. These  
29 increases are not subject to any limitation on the maximum  
30 benefit amount included in Section 4-114.

31 (d) The monthly pension of a firefighter who retires  
32 after January 1, 1986, shall, upon either the first of the  
33 month following the first anniversary of the date of  
34 retirement if 55 years of age or over, or upon the first day

1 of the month following attainment of age 55 if it occurs  
 2 after the first anniversary of retirement, be increased by  
 3 1/12 of 3% of the originally granted monthly pension for each  
 4 full month that has elapsed since the pension began, and by  
 5 an additional 3% in each January thereafter.

6 The changes made to this subsection (d) by this  
 7 amendatory Act of the 91st General Assembly apply to all  
 8 initial increases that become payable under this subsection  
 9 on or after January 1, 1999. All initial increases that  
 10 became payable under this subsection on or after January 1,  
 11 1999 and before the effective date of this amendatory Act  
 12 shall be recalculated and the additional amount accruing for  
 13 that period, if any, shall be payable to the pensioner in a  
 14 lump sum.

15 (e) Notwithstanding the provisions of subsection (a),  
 16 upon the first day of the month following (1) the first  
 17 anniversary of the date of retirement, or (2) the attainment  
 18 of age 55, or (3) July 1, 1987, whichever occurs latest, the  
 19 monthly pension of a firefighter who retired on or after  
 20 January 1, 1977 and on or before January 1, 1986 and did not  
 21 receive an increase under subsection (a) before July 1, 1987,  
 22 shall be increased by 3% of the originally granted monthly  
 23 pension for each full year that has elapsed since the pension  
 24 began, and by an additional 3% in each January thereafter.  
 25 The increases provided under this subsection are in lieu of  
 26 the increases provided in subsection (a).

27 (Source: P.A. 90-32, eff. 6-27-97; 91-466, eff. 8-6-99.)

28 (40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

29 Sec. 4-109.2. Minimum pension.

30 (a) Beginning January 1, 1984, the minimum disability  
 31 pension granted under Section 4-110 or 4-111, the minimum  
 32 surviving spouse's pension, and the minimum retirement  
 33 pension granted to a firefighter with 20 or more years of

1     creditable service, shall be \$300 per month, without regard  
2     to whether the death, disability or retirement of the  
3     firefighter occurred prior to that date.

4             Beginning July 1, 1987, the minimum retirement pension  
5     payable to a firefighter with 20 or more years of creditable  
6     service, the minimum disability pension payable under Section  
7     4-110 or 4-111, and the minimum surviving spouse's pension  
8     shall be \$400 per month, without regard to whether the death,  
9     retirement or disability of the firefighter occurred prior to  
10    that date.

11            Beginning July 1, 1993, the minimum retirement pension  
12    payable to a firefighter with 20 or more years of creditable  
13    service and the minimum surviving spouse's pension shall be  
14    \$475 per month, without regard to whether the firefighter was  
15    in service on or after the effective date of this amendatory  
16    Act of 1993.

17            (b) Beginning January 1, 1999, the minimum retirement  
18    pension payable to a firefighter with 20 or more years of  
19    creditable service, the minimum disability pension payable  
20    under Section 4-110, 4-110.1, or 4-111, and the minimum  
21    surviving spouse's pension shall be \$600 per month, without  
22    regard to whether the firefighter was in service on or after  
23    the effective date of this amendatory Act of the 91st General  
24    Assembly.

25            In the case of a pensioner whose pension began before the  
26    effective date of this amendatory Act and is subject to  
27    increase under this subsection (b), the pensioner shall be  
28    entitled to a lump sum payment of the amount of that increase  
29    accruing from January 1, 1999 (or the date the pension began,  
30    if later) to the effective date of this amendatory Act.

31            (c) Beginning January 1, 2000, the minimum retirement  
32    pension payable to a firefighter with 20 or more years of  
33    creditable service, the minimum disability pension payable  
34    under Section 4-110, 4-110.1, or 4-111, and the minimum

1 surviving spouse's pension shall be \$800 per month, without  
2 regard to whether the firefighter was in service on or after  
3 the effective date of this amendatory Act of the 91st General  
4 Assembly.

5 (d) Beginning January 1, 2001, the minimum retirement  
6 pension payable to a firefighter with 20 or more years of  
7 creditable service, the minimum disability pension payable  
8 under Section 4-110, 4-110.1, or 4-111, and the minimum  
9 surviving spouse's pension shall be \$1000 per month, without  
10 regard to whether the firefighter was in service on or after  
11 the effective date of this amendatory Act of the 91st General  
12 Assembly.

13 (e) Beginning January 1, 2003, the minimum retirement  
14 pension payable to a firefighter with 20 or more years of  
15 creditable service, the minimum disability pension payable  
16 under Section 4-110, 4-110.1, or 4-111, and the minimum  
17 surviving spouse's pension shall be \$1030 per month, without  
18 regard to whether the firefighter was in service on or after  
19 the effective date of this amendatory Act of the 92nd General  
20 Assembly.

21 (f) Beginning January 1, 2004, the minimum retirement  
22 pension payable to a firefighter with 20 or more years of  
23 creditable service, the minimum disability pension payable  
24 under Section 4-110, 4-110.1, or 4-111, and the minimum  
25 surviving spouse's pension shall be \$1060.90 per month,  
26 without regard to whether the firefighter was in service on  
27 or after the effective date of this amendatory Act of the  
28 92nd General Assembly.

29 (g) Beginning January 1, 2005, the minimum retirement  
30 pension payable to a firefighter with 20 or more years of  
31 creditable service, the minimum disability pension payable  
32 under Section 4-110, 4-110.1, or 4-111, and the minimum  
33 surviving spouse's pension shall be \$1092.73 per month,  
34 without regard to whether the firefighter was in service on

1 or after the effective date of this amendatory Act of the  
2 92nd General Assembly.

3 (h) Beginning January 1, 2006, the minimum retirement  
4 pension payable to a firefighter with 20 or more years of  
5 creditable service, the minimum disability pension payable  
6 under Section 4-110, 4-110.1, or 4-111, and the minimum  
7 surviving spouse's pension shall be \$1125.51 per month,  
8 without regard to whether the firefighter was in service on  
9 or after the effective date of this amendatory Act of the  
10 92nd General Assembly.

11 (i) Beginning January 1, 2007, the minimum retirement  
12 pension payable to a firefighter with 20 or more years of  
13 creditable service, the minimum disability pension payable  
14 under Section 4-110, 4-110.1, or 4-111, and the minimum  
15 surviving spouse's pension shall be \$1159.27 per month,  
16 without regard to whether the firefighter was in service on  
17 or after the effective date of this amendatory Act of the  
18 92nd General Assembly.

19 (Source: P.A. 91-466, eff. 8-6-99.)

20 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

21 Sec. 4-114. Pension to survivors. If a firefighter who  
22 is not receiving a disability pension under Section 4-110 or  
23 4-110.1 dies (1) as a result of any illness or accident, or  
24 (2) from any cause while in receipt of a disability pension  
25 under this Article, or (3) during retirement after 20 years  
26 service, or (4) while vested for or in receipt of a pension  
27 payable under subsection (b) of Section 4-109, or (5) while a  
28 deferred pensioner, having made all required contributions, a  
29 pension shall be paid to his or her survivors, based on the  
30 monthly salary attached to the firefighter's rank on the last  
31 day of service in the fire department, as follows:

32 (a) To the surviving spouse, a monthly pension of 40% of  
33 the monthly salary, and to the guardian of any minor child or

1 children including a child which has been conceived but not  
2 yet born, 12% of such monthly salary for each such child  
3 until attainment of age 18 or until the child's marriage,  
4 whichever occurs first. Beginning July 1, 1993, the monthly  
5 pension to the surviving spouse shall be 54% of the monthly  
6 salary for all persons receiving a surviving spouse pension  
7 under this Article, regardless of whether the deceased  
8 firefighter was in service on or after the effective date of  
9 this amendatory Act of 1993. Beginning January 1, 2003, the  
10 minimum monthly pension to the surviving spouse of a  
11 firefighter who died while receiving a retirement pension  
12 shall be 50% of the monthly retirement pension that the  
13 deceased firefighter was receiving at the time of death,  
14 including any increases under Section 4-109.1; this minimum  
15 applies to all such surviving spouses who are eligible to  
16 receive a surviving spouse pension, regardless of whether the  
17 deceased firefighter was in service on or after the effective  
18 date of this amendatory Act of the 92nd General Assembly.

19 The pension to the surviving spouse shall terminate in  
20 the event of the surviving spouse's remarriage prior to July  
21 1, 1993; remarriage on or after that date does not affect the  
22 surviving spouse's pension, regardless of whether the  
23 deceased firefighter was in service on or after the effective  
24 date of this amendatory Act of 1993.

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

27 (b) Upon the death of the surviving spouse leaving one  
28 or more minor children, to the duly appointed guardian of  
29 each such child, for support and maintenance of each such  
30 child until the child reaches age 18 or marries, whichever  
31 occurs first, a monthly pension of 20% of the monthly salary.

32 (c) If a deceased firefighter leaves no surviving spouse  
33 or unmarried minor children under age 18, but leaves a  
34 dependent father or mother, to each dependent parent a

1 monthly pension of 18% of the monthly salary. To qualify for  
2 the pension, a dependent parent must furnish satisfactory  
3 proof that the deceased firefighter was at the time of his or  
4 her death the sole supporter of the parent or that the parent  
5 was the deceased's dependent for federal income tax purposes.

6 (d) The total pension provided under paragraphs (a), (b)  
7 and (c) of this Section shall not exceed 75% of the monthly  
8 salary of the deceased firefighter (1) when paid to the  
9 survivor of a firefighter who has attained 20 or more years  
10 of service credit and who receives or is eligible to receive  
11 a retirement pension under this Article, or (2) when paid to  
12 the survivor of a firefighter who dies as a result of illness  
13 or accident, or (3) when paid to the survivor of a  
14 firefighter who dies from any cause while in receipt of a  
15 disability pension under this Article, or (4) when paid to  
16 the survivor of a deferred pensioner. For all other  
17 survivors of deceased firefighters, the total pension  
18 provided under paragraphs (a), (b) and (c) of this Section  
19 shall not exceed 50% of the retirement annuity the  
20 firefighter would have received on the date of death; except  
21 that if this maximum is less than the minimum provided under  
22 another provision of this Article, the minimum controls.

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

28 (f) An adopted child is eligible for the pension  
29 provided under paragraph (a) if the child was adopted before  
30 the firefighter attained age 50.

31 (g) If a judgment of dissolution of marriage between a  
32 firefighter and spouse is judicially set aside subsequent to  
33 the firefighter's death, the surviving spouse is eligible for  
34 the pension provided in paragraph (a) only if the judicial

1 proceedings are filed within 2 years after the date of the  
2 dissolution of marriage and within one year after the  
3 firefighter's death and the board is made a party to the  
4 proceedings. In such case the pension shall be payable only  
5 from the date of the court's order setting aside the judgment  
6 of dissolution of marriage.

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

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

26 (j) Each survivor's pension payable on January 1, 2003,  
27 shall be increased on that date, and on each January 1  
28 thereafter, by an amount equal to 3% of the pension otherwise  
29 payable at the time of the increase, including any previous  
30 increases under this Article. This increase does not apply  
31 to any survivor's pension that first becomes payable after  
32 January 1, 2003.

33 (Source: P.A. 91-466, eff. 8-6-99.)

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.