

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 4-110.1 as follows:

6 (40 ILCS 5/4-110.1) (from Ch. 108 1/2, par. 4-110.1)

7 Sec. 4-110.1. Occupational disease disability pension.

8 The General Assembly finds that service in the fire
9 department requires firefighters in times of stress and
10 danger to perform unusual tasks; that firefighters are
11 subject to exposure to extreme heat or extreme cold in
12 certain seasons while performing their duties; that they are
13 required to work in the midst of and are subject to heavy
14 smoke fumes, and carcinogenic, poisonous, toxic or chemical
15 gases from fires; and that these conditions exist and arise
16 out of or in the course of employment.

17 An active firefighter with 5 or more years of creditable
18 service who is found, pursuant to Section 4-112, unable to
19 perform his or her duties in the fire department by reason of
20 heart disease, stroke, tuberculosis, or any disease of the
21 lungs or respiratory tract, resulting from service as a
22 firefighter, is entitled to an occupational disease
23 disability pension during any period of such disability for
24 which he or she has no right to receive salary. If the heart
25 disease, stroke, tuberculosis, or disease of the lungs or
26 respiratory tract develops or manifests itself during a
27 period while the firefighter is in the service of the fire
28 department, it shall be rebuttably presumed to have resulted
29 from service as a firefighter.

30 Any active firefighter who has completed 5 or more years
31 of service and is unable to perform his or her duties in the

1 fire department by reason of a disabling cancer, which
2 develops or manifests itself during a period while the
3 firefighter is in the service of the fire department, shall
4 be entitled to receive an occupational disease disability
5 benefit during any period of such disability for which he or
6 she does not have a right to receive salary. In order to
7 receive this occupational disease disability benefit, (i) the
8 type of cancer involved must be a type which may be caused by
9 exposure to heat, radiation or a known carcinogen as defined
10 by the International Agency for Research on Cancer and (ii)
11 the cancer must (and is rebuttably presumed to) arise as a
12 result of service as a firefighter.

13 A firefighter who enters the service after August 27,
14 1971 shall be examined by one or more practicing physicians
15 appointed by the board. If the examination discloses
16 impairment of the heart, lungs or respiratory tract, or the
17 existence of any cancer, the firefighter shall not be
18 entitled to the occupational disease disability pension
19 unless and until a subsequent examination reveals no such
20 impairment or cancer.

21 The occupational disease disability pension shall be
22 equal to the greater of (1) 65% of the salary attached to the
23 rank held by the firefighter in the fire service at the time
24 of his or her removal from the municipality's fire department
25 payroll or (2) the retirement pension that the firefighter
26 would be eligible to receive if he or she retired (but not
27 including any automatic annual increase in that retirement
28 pension).

29 The firefighter is also entitled to a child's disability
30 benefit of \$20 a month for each natural or legally adopted
31 unmarried child less than age 18 dependent upon the
32 firefighter for support. The total child's disability
33 benefit when added to the occupational disease disability
34 pension shall not exceed 75% of the firefighter's salary at

1 the time of the grant of occupational disease disability
2 pension.

3 The occupational disease disability pension is payable to
4 the firefighter during the period of the disability. If the
5 disability ceases before the death of the firefighter, the
6 disability pension payable under this Section shall also
7 cease and the firefighter thereafter shall receive such
8 pension benefits as are provided in accordance with other
9 provisions of this Article.

10 If a firefighter dies while still disabled and receiving
11 a disability pension under this Section, the disability
12 pension shall continue to be paid to the firefighter's
13 survivors but shall, from the date of death, become subject
14 to the requirements, including limitations on amount, that
15 are provided for pensions to survivors under Section 4-114.
16 A pension previously granted under Section 4-114 to a
17 survivor of a firefighter who died while receiving a
18 disability pension under this Section shall be deemed to be a
19 continuation of the pension provided under this Section and
20 shall be deemed to be in the nature of worker's occupational
21 disease compensation payments. The changes to this Section
22 made by this amendatory Act of 1995 are intended to be
23 retroactive and are not limited to persons in service on or
24 after its effective date.

25 The child's disability benefit shall terminate if the
26 disability ceases while the firefighter is alive or when the
27 child or children attain age 18 or marry, whichever event
28 occurs first, except that benefits payable on account of a
29 child under this Section shall not be reduced or terminated
30 by reason of the child's attainment of age 18 if he or she is
31 then dependent by reason of a physical or mental disability
32 but shall continue to be paid as long as such dependency
33 continues. Individuals over the age of 18 and adjudged as a
34 disabled person pursuant to Article XIa of the Probate Act of

1 1975, except for persons receiving benefits under Article III
2 of the Illinois Public Aid Code, shall be eligible to receive
3 benefits under this Act.

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

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.27 as follows:

7 (30 ILCS 805/8.27 new)

8 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
9 and 8 of this Act, no reimbursement by the State is required
10 for the implementation of any mandate created by this
11 amendatory Act of the 93rd General Assembly.

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