

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 (a) 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 (b) An active firefighter with 5 or more years of
18 creditable service who is found, pursuant to Section 4-112,
19 unable to perform his or her duties in the fire department by
20 reason of heart disease, stroke, tuberculosis, or any disease
21 of the lungs or respiratory tract, resulting from service as
22 a 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.

25 Any active firefighter who has completed 5 or more years
26 of service and is unable to perform his or her duties in the
27 fire department by reason of a disabling cancer, which
28 develops or manifests itself during a period while the
29 firefighter is in the service of the fire department, shall
30 be entitled to receive an occupational disease disability
31 benefit during any period of such disability for which he or

1 she does not have a right to receive salary. In order to
2 receive this occupational disease disability benefit, (i) the
3 type of cancer involved must be a type which may be caused by
4 exposure to heat, radiation or a known carcinogen as defined
5 by the International Agency for Research on Cancer and (ii)
6 the cancer must (and is rebuttably presumed to) arise as a
7 result of service as a firefighter.

8 (c) A firefighter who retires from service as an active
9 firefighter may elect to receive, in lieu of any pension
10 payable under Section 4-109, an occupational disease
11 disability pension in the same manner as a firefighter under
12 subsection (b) if he or she contracts heart disease, stroke,
13 tuberculosis, or any disease of the respiratory tract
14 resulting from service as a firefighter within 5 years of
15 retirement if that heart disease, stroke, tuberculosis, or
16 other disease of the respiratory tract would render him or
17 her unable to perform duties as an active firefighter in the
18 fire department.

19 A firefighter who retires from service as an active
20 firefighter may elect to receive, in lieu of any pension
21 payable under Section 4-109, an occupational disease
22 disability pension in the same manner as a firefighter under
23 subsection (b) if he or she contracts a disabling cancer that
24 develops or manifests itself within 5 years of retirement if
25 that cancer would render him or her unable to perform duties
26 as an active firefighter in the fire department.

27 (d) A firefighter who enters the service after August
28 27, 1971 shall be examined by one or more practicing
29 physicians appointed by the board. If the examination
30 discloses impairment of the heart, lungs or respiratory
31 tract, or the existence of any cancer, the firefighter shall
32 not be entitled to the occupational disease disability
33 pension unless and until a subsequent examination reveals no
34 such impairment or cancer.

1 (e) The occupational disease disability pension shall be
2 equal to the greater of (1) 65% of the salary attached to the
3 rank held by the firefighter in the fire service at the time
4 of his or her removal from the municipality's fire department
5 payroll or (2) the retirement pension that the firefighter
6 would be eligible to receive if he or she retired (but not
7 including any automatic annual increase in that retirement
8 pension).

9 (f) The firefighter is also entitled to a child's
10 disability benefit of \$20 a month for each natural or legally
11 adopted unmarried child less than age 18 dependent upon the
12 firefighter for support. The total child's disability
13 benefit when added to the occupational disease disability
14 pension shall not exceed 75% of the firefighter's salary at
15 the time of the grant of occupational disease disability
16 pension.

17 (g) The occupational disease disability pension is
18 payable to the firefighter during the period of the
19 disability. If the disability ceases before the death of the
20 firefighter, the disability pension payable under this
21 Section shall also cease and the firefighter thereafter shall
22 receive such pension benefits as are provided in accordance
23 with other provisions of this Article.

24 (h) If a firefighter dies while still disabled and
25 receiving a disability pension under this Section, the
26 disability pension shall continue to be paid to the
27 firefighter's survivors but shall, from the date of death,
28 become subject to the requirements, including limitations on
29 amount, that are provided for pensions to survivors under
30 Section 4-114. A pension previously granted under Section
31 4-114 to a survivor of a firefighter who died while receiving
32 a disability pension under this Section shall be deemed to be
33 a continuation of the pension provided under this Section and
34 shall be deemed to be in the nature of worker's occupational

1 disease compensation payments. The changes to this Section
2 made by this amendatory Act of 1995 are intended to be
3 retroactive and are not limited to persons in service on or
4 after its effective date.

5 (i) The child's disability benefit shall terminate if
6 the disability ceases while the firefighter is alive or when
7 the child or children attain age 18 or marry, whichever event
8 occurs first, except that benefits payable on account of a
9 child under this Section shall not be reduced or terminated
10 by reason of the child's attainment of age 18 if he or she is
11 then dependent by reason of a physical or mental disability
12 but shall continue to be paid as long as such dependency
13 continues. Individuals over the age of 18 and adjudged as a
14 disabled person pursuant to Article XIa of the Probate Act of
15 1975, except for persons receiving benefits under Article III
16 of the Illinois Public Aid Code, shall be eligible to receive
17 benefits under this Act.

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

19 Section 90. The State Mandates Act is amended by adding
20 Section 8.27 as follows:

21 (30 ILCS 805/8.27 new)

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

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.