



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1788

Introduced 2/23/2007, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-110

from Ch. 108 1/2, par. 4-110

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that the term "act of duty" shall include any term or condition of employment assigned to any firefighter, emergency medical technician (EMT), or paramedic by his or her employing entity and is not limited in any fashion to a firefighting activity that involves a special risk of the occupation. Specifies that any activity performed by a firefighter, EMT, or paramedic assigned by a supervisor directly or indirectly constitutes an act of duty, including, but not limited to, routine maintenance, housekeeping chores, clerical tasks, and other assigned duties. Effective immediately.

LRB095 07163 AMC 27294 b

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT concerning public employee pensions.

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 changing
5 Section 4-110 as follows:

6 (40 ILCS 5/4-110) (from Ch. 108 1/2, par. 4-110)

7 Sec. 4-110. Disability pension - Line of duty.

8 (a) If a firefighter, as the result of sickness, accident
9 or injury incurred in or resulting from the performance of an
10 act of duty or from the cumulative effects of acts of duty, is
11 found, pursuant to Section 4-112, to be physically or mentally
12 permanently disabled for service in the fire department, so as
13 to render necessary his or her being placed on disability
14 pension, the firefighter shall be entitled to a disability
15 pension equal to the greater of (1) 65% of the monthly salary
16 attached to the rank held by him or her in the fire department
17 at the date he or she is removed from the municipality's fire
18 department payroll or (2) the retirement pension that the
19 firefighter would be eligible to receive if he or she retired
20 (but not including any automatic annual increase in that
21 retirement pension). A firefighter shall be considered "on
22 duty" while on any assignment approved by the chief of the fire
23 department, even though away from the municipality he or she

1 serves as a firefighter, if the assignment is related to the
2 fire protection service of the municipality.

3 Such firefighter shall also be entitled to a child's
4 disability benefit of \$20 a month on account of each unmarried
5 child less than 18 years of age and dependent upon the
6 firefighter for support, either the issue of the firefighter or
7 legally adopted by him or her. The total amount of child's
8 disability benefit payable to the firefighter, when added to
9 his or her disability pension, shall not exceed 75% of the
10 amount of salary which the firefighter was receiving at the
11 date of retirement.

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

21 (c) If a firefighter dies while still disabled and
22 receiving a disability pension under this Section, the
23 disability pension shall continue to be paid to the
24 firefighter's survivors in the sequence provided in Section
25 4-114. A pension previously granted under Section 4-114 to a
26 survivor of a firefighter who died while receiving a disability

1 pension under this Section shall be deemed to be a continuation
2 of the pension provided under this Section and shall be deemed
3 to be in the nature of worker's compensation payments. The
4 changes to this Section made by this amendatory Act of 1995 are
5 intended to be retroactive and are not limited to persons in
6 service on or after its effective date.

7 (d) The term "act of duty" shall include any term or
8 condition of employment assigned to any firefighter, emergency
9 medical technician (EMT), or paramedic by his or her employing
10 entity and is not limited in any fashion to a firefighting
11 activity that involves a special risk of the occupation. Any
12 activity performed by a firefighter, EMT, or paramedic assigned
13 by a supervisor directly or indirectly constitutes an act of
14 duty, including, but not limited to, routine maintenance,
15 housekeeping chores, clerical tasks, and other assigned
16 duties. The term "act of duty" as used in other Articles of
17 this Code has no application to this Article whatsoever.

18 (Source: P.A. 93-1090, eff. 3-11-05.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.