



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3760

Introduced 2/25/2009, by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-154.1  
30 ILCS 805/8.33 new

from Ch. 108 1/2, par. 5-154.1

Amends the Chicago Police Article of the Illinois Pension Code. Provides that the occupational disease disability benefit shall be equal to 65% of the current salary attached from time to time to the rank held by the police officer at the time of his or her removal from the police department payroll (now the greater of 65% of the salary attached to the rank held by the police officer in the police service at the time of his or her removal from the police department payroll or 50% of the current salary attached from time to time to the rank held by the police officer at the time of his or her removal from the police department payroll). Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 06174 AMC 16256 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning 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 changing  
5 Section 5-154.1 as follows:

6 (40 ILCS 5/5-154.1) (from Ch. 108 1/2, par. 5-154.1)

7 Sec. 5-154.1. Occupational disease disability benefit.

8 (a) The General Assembly finds that service in the police  
9 department requires police officers in times of stress and  
10 danger to perform unusual tasks; that police officers are  
11 subject to exposure to extreme heat or extreme cold in certain  
12 seasons while performing their duties; and that these  
13 conditions exist and arise out of or in the course of  
14 employment.

15 (b) Any police officer with at least 10 years of service  
16 who suffers a heart attack or any other disabling heart disease  
17 but is not entitled to a benefit under Section 5-154 is  
18 entitled to receive an occupational disease disability benefit  
19 under this Section. The occupational disease disability  
20 benefit shall be 65% of the current salary attached from time  
21 to time to the rank held by the police officer ~~in the police~~  
22 ~~service~~ at the time of his or her removal from the police  
23 department payroll. ~~However, no occupational disease~~

1 ~~disability benefit that has been payable under this Section for~~  
2 ~~at least 10 years shall be less than 50% of the current salary~~  
3 ~~attached from time to time to the rank held by the police~~  
4 ~~officer at the time of his or her removal from the police~~  
5 ~~department payroll.~~

6 The police officer is also entitled to a child's disability  
7 benefit of \$100 per month for each natural or legally adopted  
8 unmarried child less than age 18 dependent upon the police  
9 officer for support. The total child's disability benefit shall  
10 not exceed 10% of the police officer's salary at the time of  
11 removal from the police department payroll. The increase in  
12 child's disability benefit provided by this amendatory Act of  
13 the 92nd General Assembly applies beginning January 1, 2000 to  
14 all such benefits payable on or after that date, regardless of  
15 whether the disabled policeman is in active service on or after  
16 the effective date of this amendatory Act.

17 The occupational disease disability benefit is payable  
18 during the period of disability until the police officer  
19 attains age 63 or compulsory retirement age, whichever occurs  
20 later; thereafter the police officer shall receive the benefits  
21 provided under the other provisions of this Article. If the  
22 police officer ceases to be disabled, the occupational disease  
23 disability benefit shall cease.

24 The child's disability benefit is payable during the period  
25 of disability until the child attains age 18 or marries,  
26 whichever event occurs first, except that a benefit payable on

1 account of a child under this Section shall not be reduced or  
2 terminated by reason of the child's attainment of age 18 if he  
3 or she is then dependent by reason of a physical or mental  
4 disability, but shall continue to be paid as long as the  
5 child's dependency and disability continue.

6 The changes made to this subsection (b) by this amendatory  
7 Act of the 96th General Assembly apply without regard to  
8 whether the police officer was in service on or after its  
9 effective date. In the case of a person who is receiving an  
10 occupational disease disability benefit on the effective date  
11 of this amendatory Act of the 96th General Assembly, the  
12 increase, if any, shall begin to accrue on the first benefit  
13 payment date following that effective date.

14 (Source: P.A. 92-52, eff. 7-12-01.)

15 Section 90. The State Mandates Act is amended by adding  
16 Section 8.33 as follows:

17 (30 ILCS 805/8.33 new)

18 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
19 of this Act, no reimbursement by the State is required for the  
20 implementation of any mandate created by this amendatory Act of  
21 the 96th General Assembly.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.