

HB1378



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1378

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-151.1
30 ILCS 805/8.37 new

from Ch. 108 1/2, par. 6-151.1

Amends the Chicago Firefighter Article of the Illinois Pension Code. Adds Parkinson's disease to the list of diseases for which certain firemen may be entitled to receive an occupational disease disability benefit. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB098 04922 EFG 34952 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 6-151.1 as follows:

6 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

7 Sec. 6-151.1. The General Assembly finds and declares that
8 service in the Fire Department requires that firemen, in times
9 of stress and danger, must perform unusual tasks; that by
10 reason of their occupation, firemen are subject to exposure to
11 great heat and to extreme cold in certain seasons while in
12 performance of their duties; that by reason of their employment
13 firemen are required to work in the midst of and are subject to
14 heavy smoke fumes and carcinogenic, poisonous, toxic or
15 chemical gases from fires; and that in the course of their
16 rescue and paramedic duties firemen are exposed to disabling
17 ~~infectious~~ diseases, including AIDS, hepatitis C, Parkinson's
18 disease, and stroke. The General Assembly further finds and
19 declares that all the aforementioned conditions exist and arise
20 out of or in the course of such employment.

21 Any active fireman who has completed 7 or more years of
22 service and is unable to perform his duties in the Fire
23 Department by reason of heart disease, tuberculosis, any

1 disease of the lungs or respiratory tract, AIDS, hepatitis C,
2 Parkinson's disease, or stroke resulting from his service as a
3 fireman, shall be entitled to receive an occupational disease
4 disability benefit during any period of such disability for
5 which he does not have a right to receive salary.

6 Any active fireman who has completed 7 or more years of
7 service and is unable to perform his duties in the fire
8 department by reason of a disabling cancer, which develops or
9 manifests itself during a period while the fireman is in the
10 service of the department, shall be entitled to receive an
11 occupational disease disability benefit during any period of
12 such disability for which he does not have a right to receive
13 salary. In order to receive this occupational disease
14 disability benefit, the type of cancer involved must be a type
15 which may be caused by exposure to heat, radiation or a known
16 carcinogen as defined by the International Agency for Research
17 on Cancer.

18 Any fireman who shall enter the service after the effective
19 date of this amendatory Act shall be examined by one or more
20 practicing physicians appointed by the Board, and if that
21 examination discloses impairment of the heart, lungs, or
22 respiratory tract, or the existence of AIDS, hepatitis C,
23 Parkinson's disease, stroke, or cancer, then the fireman shall
24 not be entitled to receive an occupational disease disability
25 benefit unless and until a subsequent examination reveals no
26 such impairment, AIDS, hepatitis C, Parkinson's disease,

1 stroke, or cancer.

2 The occupational disease disability benefit shall be 65% of
3 the fireman's salary at the time of his removal from the
4 Department payroll. However, beginning January 1, 1994, no
5 occupational disease disability benefit that has been payable
6 under this Section for at least 10 years shall be less than 50%
7 of the current salary attached from time to time to the rank
8 and grade held by the fireman at the time of his removal from
9 the Department payroll, regardless of whether that removal
10 occurred before the effective date of this amendatory Act of
11 1993.

12 Such fireman also shall have a right to receive child's
13 disability benefit of \$30 per month on account of each
14 unmarried child who is less than 18 years of age or
15 handicapped, dependent upon the fireman for support, and either
16 the issue of the fireman or legally adopted by him. The total
17 amount of child's disability benefit payable to the fireman,
18 when added to his occupational disease disability benefit,
19 shall not exceed 75% of the amount of salary which he was
20 receiving at the time of the grant of occupational disease
21 disability benefit.

22 The first payment of occupational disease disability
23 benefit or child's disability benefit shall be made not later
24 than one month after the benefit is granted. Each subsequent
25 payment shall be made not later than one month after the date
26 of the latest payment.

1 Occupational disease disability benefit shall be payable
2 during the period of the disability until the fireman reaches
3 the age of compulsory retirement. Child's disability benefit
4 shall be paid to such a fireman during the period of disability
5 until such child or children attain age 18 or marry, whichever
6 event occurs first; except that attainment of age 18 by a child
7 who is so physically or mentally handicapped as to be dependent
8 upon the fireman for support, shall not render the child
9 ineligible for child's disability benefit. The fireman
10 thereafter shall receive such annuity or annuities as are
11 provided for him in accordance with other provisions of this
12 Article.

13 (Source: P.A. 93-654, eff. 1-16-04.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.37 as follows:

16 (30 ILCS 805/8.37 new)

17 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this amendatory Act of
20 the 98th General Assembly.

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