



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4536

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-110

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

30 ILCS 805/8.38 new

Amends the Downstate Firefighter Article of the Illinois Pension Code in a Section concerning disability arising in the line of duty. Provides that a firefighter shall be considered "on duty" and engaged in an "act of duty" while on any assignment approved by the chief of the fire department, including participation in training activities designed to enhance the skills and abilities of the firefighter, whether within or away from the municipality he or she serves as a firefighter (rather than considered "on duty" while on any assignment approved by the chief of the fire department, even though away from the municipality he or she serves as a firefighter), if the assignment is related to the fire protection service of the municipality. Provides that such activity shall continue to be considered an "act of duty" even if performed without compensation. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB098 16293 RPM 51353 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 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. If a
8 firefighter, as the result of sickness, accident or injury
9 incurred in or resulting from the performance of an act of duty
10 or from the cumulative effects of acts of duty, is found,
11 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" and engaged in an "act of duty" while on any assignment
23 approved by the chief of the fire department, including

1 participation in training activities designed to enhance the
2 skills and abilities of the firefighter, whether within or ~~even~~
3 ~~though~~ away from the municipality he or she serves as a
4 firefighter, if the assignment is related to the fire
5 protection service of the municipality. Such activity shall
6 continue to be considered an "act of duty" even if performed
7 without compensation.

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

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

26 If a firefighter dies while still disabled and receiving a

1 disability pension under this Section, the disability pension
2 shall continue to be paid to the firefighter's survivors in the
3 sequence provided in Section 4-114. A pension previously
4 granted under Section 4-114 to a survivor of a firefighter who
5 died while receiving a disability pension under this Section
6 shall be deemed to be a continuation of the pension provided
7 under this Section and shall be deemed to be in the nature of
8 worker's compensation payments. The changes to this Section
9 made by this amendatory Act of 1995 are intended to be
10 retroactive and are not limited to persons in service on or
11 after its effective date.

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

13 Section 90. The State Mandates Act is amended by adding
14 Section 8.38 as follows:

15 (30 ILCS 805/8.38 new)

16 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8
17 of this Act, no reimbursement by the State is required for the
18 implementation of any mandate created by this amendatory Act of
19 the 98th General Assembly.

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