



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3629

by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-229

Amends the Chicago Firefighter Article of the Illinois Pension Code. In a Section relating to a person who first becomes a fireman on or after January 1, 2011, provides for payment of a minimum widow's annuity, child's annuity, parent's annuity, and duty death benefit. Applies without without regard to whether (i) the death of the deceased fireman may have occurred prior to the effective date of this amendatory Act or (ii) the fireman was in service on or after that effective date. Effective immediately.

LRB099 10563 EFG 30790 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 6-229 as follows:

6 (40 ILCS 5/6-229)

7 Sec. 6-229. Provisions applicable to new hires.

8 (a) Notwithstanding any other provision of this Article,  
9 the provisions of this Section apply to a person who first  
10 becomes a fireman under this Article on or after January 1,  
11 2011.

12 (b) A fireman age 55 or more who has 10 or more years of  
13 service in that capacity shall be entitled at his or her option  
14 to receive a monthly retirement annuity for his or her service  
15 as a fireman computed by multiplying 2.5% for each year of such  
16 service by his or her final average salary.

17 The retirement annuity of a fireman who is retiring after  
18 attaining age 50 with 10 or more years of creditable service  
19 shall be reduced by one-half of 1% for each month that the  
20 fireman's age is under age 55.

21 The maximum retirement annuity under this subsection (b)  
22 shall be 75% of final average salary.

23 For the purposes of this subsection (b), "final average

1 salary" means the average monthly salary obtained by dividing  
2 the total salary of the fireman during the 96 consecutive  
3 months of service within the last 120 months of service in  
4 which the total salary was the highest by the number of months  
5 of service in that period.

6 Beginning on January 1, 2011, for all purposes under this  
7 Code (including without limitation the calculation of benefits  
8 and employee contributions), the annual salary based on the  
9 plan year of a member or participant to whom this Section  
10 applies shall not exceed \$106,800; however, that amount shall  
11 annually thereafter be increased by the lesser of (i) 3% of  
12 that amount, including all previous adjustments, or (ii)  
13 one-half the annual unadjusted percentage increase (but not  
14 less than zero) in the consumer price index-u for the 12 months  
15 ending with the September preceding each November 1, including  
16 all previous adjustments.

17 (c) Notwithstanding any other provision of this Article,  
18 for a person who first becomes a fireman under this Article on  
19 or after January 1, 2011, the annuity to which the surviving  
20 spouse, children, or parents are entitled under this subsection  
21 (c) shall be in the amount of 66 2/3% of the fireman's earned  
22 pension at the date of death.

23 Notwithstanding any other provision of this Article, the  
24 monthly annuity of a survivor of a person who first becomes a  
25 fireman under this Article on or after January 1, 2011 shall be  
26 increased on the January 1 after attainment of age 60 by the

1 recipient of the survivor's pension and each January 1  
2 thereafter by 3% or one-half the annual unadjusted percentage  
3 increase in the consumer price index-u for the 12 months ending  
4 with September preceding each November 1, whichever is less, of  
5 the originally granted survivor's annuity. If the annual  
6 unadjusted percentage change in the consumer price index-u for  
7 a 12-month period ending in September is zero or, when compared  
8 with the preceding period, decreases, then the annuity shall  
9 not be increased.

10 (d) Notwithstanding the provisions of subsection (c) of  
11 this Section:

12 (1) Any surviving spouse of a deceased fireman shall be  
13 paid an amount no less than the amount of the minimum  
14 widow's annuity, as provided for in Section 6-128.4.

15 (2) If the deceased fireman was an active fireman at  
16 the time of his or her death and had completed at least 10  
17 years of creditable service, the widow's annuity shall be  
18 the greater of (i) 30% of the salary attached to the rank  
19 of first class firefighter in the classified career service  
20 at the time of the fireman's death, or (ii) 66 2/3% of the  
21 retirement annuity that the deceased fireman would have  
22 been eligible to receive under subsection (b) of this  
23 Section, based upon the actual service accrued through the  
24 day before the fireman's death and as if the fireman had  
25 attained age 55 on the day before his or her death and  
26 retired on that day.

1       The provisions of this subsection (d) shall apply without  
2 regard to whether the death of the deceased fireman may have  
3 occurred prior to the effective date of this amendatory Act of  
4 the 99th General Assembly.

5       (e) Notwithstanding the provisions of subsections (c) and  
6 (d) of this Section, the annuity for a surviving spouse of a  
7 fireman whose death results from the performance of an act or  
8 acts of duty shall be an amount as provided for in Section  
9 6-140 of this Article, without regard to the fact that the  
10 death of the deceased fireman may have occurred prior to the  
11 effective date of this amendatory Act.

12       Notwithstanding any other provisions of this Article, any  
13 annuity provided for in this subsection (e) shall be subject to  
14 the provisions of Sections 6-142, 6-143, and 6-143.2.

15       (f) Notwithstanding any other provision of this Article,  
16 (i) each child of a deceased fireman shall be paid a child's  
17 annuity subject to the conditions in Section 6-147 and as  
18 provided for in Section 6-148; and (ii) eligibility for a  
19 parent's annuity, as provided for in Section 6-149, shall not  
20 be denied to the parent of a deceased fireman because the  
21 parent's child first became a fireman on or after January 1,  
22 2011. Benefits under this subsection (f) shall be paid without  
23 regard to the fact that the death of the deceased fireman may  
24 have occurred prior to the effective date of this amendatory  
25 Act.

26       (g) For the purposes of Section 1-103.1 of this Code, the

1 changes to this Section made by this amendatory Act of the 99th  
2 General Assembly apply without regard to whether the fireman  
3 was in service on or after the effective date of this  
4 amendatory Act.

5 (Source: P.A. 96-1495, eff. 1-1-11.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.