

1 AMENDMENT TO HOUSE BILL 4527

2 AMENDMENT NO. _____. Amend House Bill 4527 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 4-109.1, 4-109.2, and 4-114 as follows:

6 (40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)
7 Sec. 4-109.1. Increase in pension.

8 (a) Except as provided in subsection (e), the monthly
9 pension of a firefighter who retires after July 1, 1971 and
10 prior to January 1, 1986, shall, upon either the first of the
11 month following the first anniversary of the date of
12 retirement if 60 years of age or over at retirement date, or
13 upon the first day of the month following attainment of age
14 60 if it occurs after the first anniversary of retirement, be
15 increased by 2% of the originally granted monthly pension and
16 by an additional 2% in each January thereafter. Effective
17 January 1976, the rate of the annual increase shall be 3% of
18 the originally granted monthly pension.

19 (b) The monthly pension of a firefighter who retired
20 from service with 20 or more years of service, on or before
21 July 1, 1971, shall be increased, in January of the year
22 following the year of attaining age 65 or in January 1972, if

1 then over age 65, by 2% of the originally granted monthly
2 pension, for each year the firefighter received pension
3 payments. In each January thereafter, he or she shall
4 receive an additional increase of 2% of the original monthly
5 pension. Effective January 1976, the rate of the annual
6 increase shall be 3%.

7 (c) The monthly pension of a firefighter who is
8 receiving a disability pension under this Article shall be
9 increased, in January of the year following the year the
10 firefighter attains age 60, or in January 1974, if then over
11 age 60, by 2% of the originally granted monthly pension for
12 each year he or she received pension payments. In each
13 January thereafter, the firefighter shall receive an
14 additional increase of 2% of the original monthly pension.
15 Effective January 1976, the rate of the annual increase shall
16 be 3%.

17 (c-1) On January 1, 1998, every child's disability
18 benefit payable on that date under Section 4-110 or 4-110.1
19 shall be increased by an amount equal to 1/12 of 3% of the
20 amount of the benefit, multiplied by the number of months for
21 which the benefit has been payable. On each January 1
22 thereafter, every child's disability benefit payable under
23 Section 4-110 or 4-110.1 shall be increased by 3% of the
24 amount of the benefit then being paid, including any previous
25 increases received under this Article. These increases are
26 not subject to any limitation on the maximum benefit amount
27 included in Section 4-110 or 4-110.1.

28 (c-2) On January 1, 2003, every pension payable to or on
29 behalf of a minor or disabled surviving child that is payable
30 on that date under Section 4-114 shall be increased by an
31 amount equal to 1/12 of 3% of the amount of the pension,
32 multiplied by the number of months for which the benefit has
33 been payable. On each January 1 thereafter, every pension
34 payable to or on behalf of a minor or disabled surviving

1 child that is payable under Section 4-114 shall be increased
2 by 3% of the amount of the pension then being paid, including
3 any previous increases received under this Article. These
4 increases are not subject to any limitation on the maximum
5 benefit amount included in Section 4-114.

6 (d) The monthly pension of a firefighter who retires
7 after January 1, 1986, shall, upon either the first of the
8 month following the first anniversary of the date of
9 retirement if 55 years of age or over, or upon the first day
10 of the month following attainment of age 55 if it occurs
11 after the first anniversary of retirement, be increased by
12 1/12 of 3% of the originally granted monthly pension for each
13 full month that has elapsed since the pension began, and by
14 an additional 3% in each January thereafter.

15 The changes made to this subsection (d) by this
16 amendatory Act of the 91st General Assembly apply to all
17 initial increases that become payable under this subsection
18 on or after January 1, 1999. All initial increases that
19 became payable under this subsection on or after January 1,
20 1999 and before the effective date of this amendatory Act
21 shall be recalculated and the additional amount accruing for
22 that period, if any, shall be payable to the pensioner in a
23 lump sum.

24 (e) Notwithstanding the provisions of subsection (a),
25 upon the first day of the month following (1) the first
26 anniversary of the date of retirement, or (2) the attainment
27 of age 55, or (3) July 1, 1987, whichever occurs latest, the
28 monthly pension of a firefighter who retired on or after
29 January 1, 1977 and on or before January 1, 1986 and did not
30 receive an increase under subsection (a) before July 1, 1987,
31 shall be increased by 3% of the originally granted monthly
32 pension for each full year that has elapsed since the pension
33 began, and by an additional 3% in each January thereafter.
34 The increases provided under this subsection are in lieu of

1 the increases provided in subsection (a).

2 (Source: P.A. 90-32, eff. 6-27-97; 91-466, eff. 8-6-99.)

3 (40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

4 Sec. 4-109.2. Minimum pension.

5 (a) Beginning January 1, 1984, the minimum disability
6 pension granted under Section 4-110 or 4-111, the minimum
7 surviving spouse's pension, and the minimum retirement
8 pension granted to a firefighter with 20 or more years of
9 creditable service, shall be \$300 per month, without regard
10 to whether the death, disability or retirement of the
11 firefighter occurred prior to that date.

12 Beginning July 1, 1987, the minimum retirement pension
13 payable to a firefighter with 20 or more years of creditable
14 service, the minimum disability pension payable under Section
15 4-110 or 4-111, and the minimum surviving spouse's pension
16 shall be \$400 per month, without regard to whether the death,
17 retirement or disability of the firefighter occurred prior to
18 that date.

19 Beginning July 1, 1993, the minimum retirement pension
20 payable to a firefighter with 20 or more years of creditable
21 service and the minimum surviving spouse's pension shall be
22 \$475 per month, without regard to whether the firefighter was
23 in service on or after the effective date of this amendatory
24 Act of 1993.

25 (b) Beginning January 1, 1999, the minimum retirement
26 pension payable to a firefighter with 20 or more years of
27 creditable service, the minimum disability pension payable
28 under Section 4-110, 4-110.1, or 4-111, and the minimum
29 surviving spouse's pension shall be \$600 per month, without
30 regard to whether the firefighter was in service on or after
31 the effective date of this amendatory Act of the 91st General
32 Assembly.

33 In the case of a pensioner whose pension began before the

1 effective date of this amendatory Act and is subject to
2 increase under this subsection (b), the pensioner shall be
3 entitled to a lump sum payment of the amount of that increase
4 accruing from January 1, 1999 (or the date the pension began,
5 if later) to the effective date of this amendatory Act.

6 (c) Beginning January 1, 2000, the minimum retirement
7 pension payable to a firefighter with 20 or more years of
8 creditable service, the minimum disability pension payable
9 under Section 4-110, 4-110.1, or 4-111, and the minimum
10 surviving spouse's pension shall be \$800 per month, without
11 regard to whether the firefighter was in service on or after
12 the effective date of this amendatory Act of the 91st General
13 Assembly.

14 (d) Beginning January 1, 2001, the minimum retirement
15 pension payable to a firefighter with 20 or more years of
16 creditable service, the minimum disability pension payable
17 under Section 4-110, 4-110.1, or 4-111, and the minimum
18 surviving spouse's pension shall be \$1000 per month, without
19 regard to whether the firefighter was in service on or after
20 the effective date of this amendatory Act of the 91st General
21 Assembly.

22 (e) Beginning January 1, 2003, the minimum retirement
23 pension payable to a firefighter with 20 or more years of
24 creditable service, the minimum disability pension payable
25 under Section 4-110, 4-110.1, or 4-111, and the minimum
26 surviving spouse's pension shall be \$1030 per month, without
27 regard to whether the firefighter was in service on or after
28 the effective date of this amendatory Act of the 92nd General
29 Assembly.

30 (f) Beginning January 1, 2004, the minimum retirement
31 pension payable to a firefighter with 20 or more years of
32 creditable service, the minimum disability pension payable
33 under Section 4-110, 4-110.1, or 4-111, and the minimum
34 surviving spouse's pension shall be \$1060.90 per month,

1 without regard to whether the firefighter was in service on
2 or after the effective date of this amendatory Act of the
3 92nd General Assembly.

4 (g) Beginning January 1, 2005, the minimum retirement
5 pension payable to a firefighter with 20 or more years of
6 creditable service, the minimum disability pension payable
7 under Section 4-110, 4-110.1, or 4-111, and the minimum
8 surviving spouse's pension shall be \$1092.73 per month,
9 without regard to whether the firefighter was in service on
10 or after the effective date of this amendatory Act of the
11 92nd General Assembly.

12 (h) Beginning January 1, 2006, the minimum retirement
13 pension payable to a firefighter with 20 or more years of
14 creditable service, the minimum disability pension payable
15 under Section 4-110, 4-110.1, or 4-111, and the minimum
16 surviving spouse's pension shall be \$1125.51 per month,
17 without regard to whether the firefighter was in service on
18 or after the effective date of this amendatory Act of the
19 92nd General Assembly.

20 (i) Beginning January 1, 2007, the minimum retirement
21 pension payable to a firefighter with 20 or more years of
22 creditable service, the minimum disability pension payable
23 under Section 4-110, 4-110.1, or 4-111, and the minimum
24 surviving spouse's pension shall be \$1159.27 per month,
25 without regard to whether the firefighter was in service on
26 or after the effective date of this amendatory Act of the
27 92nd General Assembly.

28 (Source: P.A. 91-466, eff. 8-6-99.)

29 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

30 Sec. 4-114. Pension to survivors. If a firefighter who
31 is not receiving a disability pension under Section 4-110 or
32 4-110.1 dies (1) as a result of any illness or accident, or
33 (2) from any cause while in receipt of a disability pension

1 under this Article, or (3) during retirement after 20 years
2 service, or (4) while vested for or in receipt of a pension
3 payable under subsection (b) of Section 4-109, or (5) while a
4 deferred pensioner, having made all required contributions, a
5 pension shall be paid to his or her survivors, based on the
6 monthly salary attached to the firefighter's rank on the last
7 day of service in the fire department, as follows:

8 (a) To the surviving spouse, a monthly pension of 40% of
9 the monthly salary, and to the guardian of any minor child or
10 children including a child which has been conceived but not
11 yet born, 12% of such monthly salary for each such child
12 until attainment of age 18 or until the child's marriage,
13 whichever occurs first. Beginning July 1, 1993, the monthly
14 pension to the surviving spouse shall be 54% of the monthly
15 salary for all persons receiving a surviving spouse pension
16 under this Article, regardless of whether the deceased
17 firefighter was in service on or after the effective date of
18 this amendatory Act of 1993. Beginning January 1, 2003, the
19 minimum monthly pension to the surviving spouse of a
20 firefighter who died while receiving a retirement pension
21 shall be 50% of the monthly retirement pension that the
22 deceased firefighter was receiving at the time of death,
23 including any increases under Section 4-109.1; this minimum
24 applies to all such surviving spouses who are eligible to
25 receive a surviving spouse pension, regardless of whether the
26 deceased firefighter was in service on or after the effective
27 date of this amendatory Act of the 92nd General Assembly.

28 The pension to the surviving spouse shall terminate in
29 the event of the surviving spouse's remarriage prior to July
30 1, 1993; remarriage on or after that date does not affect the
31 surviving spouse's pension, regardless of whether the
32 deceased firefighter was in service on or after the effective
33 date of this amendatory Act of 1993.

34 The surviving spouse's pension shall be subject to the

1 minimum established in Section 4-109.2.

2 (b) Upon the death of the surviving spouse leaving one
3 or more minor children, to the duly appointed guardian of
4 each such child, for support and maintenance of each such
5 child until the child reaches age 18 or marries, whichever
6 occurs first, a monthly pension of 20% of the monthly salary.

7 (c) If a deceased firefighter leaves no surviving spouse
8 or unmarried minor children under age 18, but leaves a
9 dependent father or mother, to each dependent parent a
10 monthly pension of 18% of the monthly salary. To qualify for
11 the pension, a dependent parent must furnish satisfactory
12 proof that the deceased firefighter was at the time of his or
13 her death the sole supporter of the parent or that the parent
14 was the deceased's dependent for federal income tax purposes.

15 (d) The total pension provided under paragraphs (a), (b)
16 and (c) of this Section shall not exceed 75% of the monthly
17 salary of the deceased firefighter (1) when paid to the
18 survivor of a firefighter who has attained 20 or more years
19 of service credit and who receives or is eligible to receive
20 a retirement pension under this Article, or (2) when paid to
21 the survivor of a firefighter who dies as a result of illness
22 or accident, or (3) when paid to the survivor of a
23 firefighter who dies from any cause while in receipt of a
24 disability pension under this Article, or (4) when paid to
25 the survivor of a deferred pensioner. For all other
26 survivors of deceased firefighters, the total pension
27 provided under paragraphs (a), (b) and (c) of this Section
28 shall not exceed 50% of the retirement annuity the
29 firefighter would have received on the date of death; except
30 that if this maximum is less than the minimum provided under
31 another provision of this Article, the minimum controls.

32 (e) If a firefighter leaves no eligible survivors under
33 paragraphs (a), (b) and (c), the board shall refund to the
34 firefighter's estate the amount of his or her accumulated

1 contributions, less the amount of pension payments, if any,
2 made to the firefighter while living.

3 (f) An adopted child is eligible for the pension
4 provided under paragraph (a) if the child was adopted before
5 the firefighter attained age 50.

6 (g) If a judgment of dissolution of marriage between a
7 firefighter and spouse is judicially set aside subsequent to
8 the firefighter's death, the surviving spouse is eligible for
9 the pension provided in paragraph (a) only if the judicial
10 proceedings are filed within 2 years after the date of the
11 dissolution of marriage and within one year after the
12 firefighter's death and the board is made a party to the
13 proceedings. In such case the pension shall be payable only
14 from the date of the court's order setting aside the judgment
15 of dissolution of marriage.

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

26 (i) Beginning January 1, 2000, the pension of the
27 surviving spouse of a firefighter who dies on or after
28 January 1, 1994 as a result of sickness, accident, or injury
29 incurred in or resulting from the performance of an act of
30 duty or from the cumulative effects of acts of duty shall not
31 be less than 100% of the salary attached to the rank held by
32 the deceased firefighter on the last day of service,
33 notwithstanding subsection (d) or any other provision of this
34 Article.

1 (j) Each survivor's pension payable on January 1, 2003
2 shall be increased on that date, and on each January 1
3 thereafter, by an amount equal to 3% of the pension otherwise
4 payable at the time of the increase, including any previous
5 increases under this Article. This increase does not apply
6 to any survivor's pension that first becomes payable after
7 January 1, 2003.

8 (Source: P.A. 91-466, eff. 8-6-99.)

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.26 as follows:

11 (30 ILCS 805/8.26 new)

12 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
13 and 8 of this Act, no reimbursement by the State is required
14 for the implementation of any mandate created by this
15 amendatory Act of the 92nd General Assembly.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."