

1 AN ACT in relation to 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  
5 changing Section 6-111 as follows:

6 (40 ILCS 5/6-111) (from Ch. 108 1/2, par. 6-111)  
7 Sec. 6-111. Salary. "Salary": Subject to Section 6-211,  
8 the annual salary of a fireman, as follows:

9 (a) For age and service annuity, minimum annuity, and  
10 disability benefits, the actual amount of the annual salary,  
11 except as otherwise provided in this Article.†

12 (b) For prior service annuity, widow's annuity, widow's  
13 prior service annuity and child's annuity to and including  
14 August 31, 1957, the amount of the annual salary up to a  
15 maximum of \$3,000.†

16 (c) Except as otherwise provided in Section 6-141.1, for  
17 widow's annuity, beginning September 1, 1957, the amount of  
18 annual salary up to a maximum of \$6,000.

19 (d) Beginning on the effective date of this amendatory  
20 Act of the 92nd General Assembly (and for any period prior to  
21 that date for which contributions have been paid under  
22 subsection (e) of this Section), the salary of a fireman, as  
23 calculated for any purpose under this Article, shall include  
24 any duty availability pay received by the fireman (i)  
25 pursuant to a collective bargaining agreement or (ii)  
26 pursuant to an appropriation ordinance in an amount  
27 equivalent to the amount of duty availability pay received by  
28 other firemen pursuant to a collective bargaining agreement,  
29 and references in this Article to the salary attached to or  
30 appropriated for the permanent assigned position or  
31 classified career service rank, grade, or position of the

1 fireman shall be deemed to include that duty availability  
2 pay.

3 (e) An active or former fireman who received duty  
4 availability pay at any time after December 31, 1994 and  
5 before the effective date of this amendatory Act of the 92nd  
6 General Assembly and who either (1) retired during that  
7 period or (2) had attained age 46 and at least 16 years of  
8 service by the effective date of this amendatory Act may  
9 elect to have that duty availability pay included in the  
10 calculation of his or her salary for any portion of that  
11 period for which the pay was received, by applying in writing  
12 and paying to the Fund, before January 1, 2004, the  
13 corresponding employee contribution, without interest.

14 In the case of an applicant who is receiving an annuity  
15 at the time the application and contribution are received by  
16 the Fund, the annuity shall be recalculated and the resulting  
17 increase shall become payable on the next annuity payment  
18 date following the date the contribution is received by the  
19 Fund.

20 In the case of an active or former fireman who (i) dies  
21 before January 1, 2004 without making an election under this  
22 subsection and (ii) was eligible to make an election under  
23 this subsection at the time of death (or would have been  
24 eligible had the death occurred after the effective date of  
25 this amendatory Act), any surviving spouse, child, or parent  
26 of the fireman who is eligible to receive a benefit under  
27 this Article based on the fireman's salary may make that  
28 election and pay the required contribution on behalf of the  
29 deceased fireman. If the death occurs within the 30 days  
30 immediately preceding January 1, 2004, the deadline for  
31 application and payment is extended to January 31, 2004.

32 Any duty availability pay for which the corresponding  
33 employee contribution has not been paid shall not be included  
34 in the calculation of salary.

1       (f) The changes to this Section made by this amendatory  
2       Act of the 92nd General Assembly are not limited to firemen  
3       in service on or after the effective date of this amendatory  
4       Act.

5       (Source: P.A. 83-1362.)

6       Section 90. The State Mandates Act is amended by adding  
7       Section 8.25 as follows:

8             (30 ILCS 805/8.25 new)

9       Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
10       and 8 of this Act, no reimbursement by the State is required  
11       for the implementation of any mandate created by this  
12       amendatory Act of the 92nd General Assembly.

13       Section 99. Effective date. This Act takes effect upon  
14       becoming law.