

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 4-114 as follows:

6 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

7 Sec. 4-114. Pension to survivors. If a firefighter who
8 is not receiving a disability pension under Section 4-110 or
9 4-110.1 dies (1) as a result of any illness or accident, or
10 (2) from any cause while in receipt of a disability pension
11 under this Article, or (3) during retirement after 20 years
12 service, or (4) while vested for or in receipt of a pension
13 payable under subsection (b) of Section 4-109, or (5) while a
14 deferred pensioner, having made all required contributions, a
15 pension shall be paid to his or her survivors, based on the
16 monthly salary attached to the firefighter's rank on the last
17 day of service in the fire department, as follows:

18 (a) To the surviving spouse, a monthly pension of 40% of
19 the monthly salary, and to the guardian of any minor child or
20 children including a child which has been conceived but not
21 yet born, 12% of such monthly salary for each such child
22 until attainment of age 18 or until the child's marriage,
23 whichever occurs first. Beginning July 1, 1993, the monthly
24 pension to the surviving spouse shall be 54% of the monthly
25 salary for all persons receiving a surviving spouse pension
26 under this Article, regardless of whether the deceased
27 firefighter was in service on or after the effective date of
28 this amendatory Act of 1993. Beginning on January 1, 2003,
29 the monthly pension to the surviving spouse shall be equal to
30 the monthly pension to which the firefighter was entitled
31 under this Article at the time of his or her death,

1 regardless of whether the deceased firefighter was in service
2 on or after the effective date of this amendatory Act of the
3 92nd General Assembly.

4 The pension to the surviving spouse shall terminate in
5 the event of the surviving spouse's remarriage prior to July
6 1, 1993; remarriage on or after that date does not affect the
7 surviving spouse's pension, regardless of whether the
8 deceased firefighter was in service on or after the effective
9 date of this amendatory Act of 1993.

10 The surviving spouse's pension shall be subject to the
11 minimum established in Section 4-109.2.

12 (b) Upon the death of the surviving spouse leaving one
13 or more minor children, to the duly appointed guardian of
14 each such child, for support and maintenance of each such
15 child until the child reaches age 18 or marries, whichever
16 occurs first, a monthly pension of 20% of the monthly salary.
17 Beginning on January 1, 2003, upon the death of the surviving
18 spouse leaving one or more minor children, to the duly
19 appointed guardian of each such child, for support and
20 maintenance of each such child until the child reaches age 18
21 or marries, whichever occurs first, an equal share of the
22 pension that was paid to the surviving spouse, regardless of
23 whether the deceased firefighter was in service on the
24 effective date of this amendatory Act of the 92nd General
25 Assembly.

26 (c) If a deceased firefighter leaves no surviving spouse
27 or unmarried minor children under age 18, but leaves a
28 dependent father or mother, to each dependent parent a
29 monthly pension of 18% of the monthly salary. Beginning on
30 January 1, 2003, if a deceased firefighter leaves no
31 surviving spouse or unmarried minor children under age 18,
32 but leaves a dependent father or mother, the dependent
33 parents of the firefighter shall be entitled to receive or
34 share a pension equal to the pension to which the firefighter

1 was entitled at the time of his or her death, regardless of
2 whether the deceased firefighter was in service on the
3 effective date of this amendatory Act of the 92nd General
4 Assembly. To qualify for the pension, a dependent parent must
5 furnish satisfactory proof that the deceased firefighter was
6 at the time of his or her death the sole supporter of the
7 parent or that the parent was the deceased's dependent for
8 federal income tax purposes.

9 (d) The total pension provided under paragraphs (a), (b)
10 and (c) of this Section shall not exceed 75% of the monthly
11 salary of the deceased firefighter (1) when paid to the
12 survivor of a firefighter who has attained 20 or more years
13 of service credit and who receives or is eligible to receive
14 a retirement pension under this Article, or (2) when paid to
15 the survivor of a firefighter who dies as a result of illness
16 or accident, or (3) when paid to the survivor of a
17 firefighter who dies from any cause while in receipt of a
18 disability pension under this Article, or (4) when paid to
19 the survivor of a deferred pensioner. For all other
20 survivors of deceased firefighters, the total pension
21 provided under paragraphs (a), (b) and (c) of this Section
22 shall not exceed 50% of the retirement annuity the
23 firefighter would have received on the date of death.

24 (e) If a firefighter leaves no eligible survivors under
25 paragraphs (a), (b) and (c), the board shall refund to the
26 firefighter's estate the amount of his or her accumulated
27 contributions, less the amount of pension payments, if any,
28 made to the firefighter while living.

29 (f) An adopted child is eligible for the pension
30 provided under paragraph (a) if the child was adopted before
31 the firefighter attained age 50.

32 (g) If a judgment of dissolution of marriage between a
33 firefighter and spouse is judicially set aside subsequent to
34 the firefighter's death, the surviving spouse is eligible for

1 the pension provided in paragraph (a) only if the judicial
2 proceedings are filed within 2 years after the date of the
3 dissolution of marriage and within one year after the
4 firefighter's death and the board is made a party to the
5 proceedings. In such case the pension shall be payable only
6 from the date of the court's order setting aside the judgment
7 of dissolution of marriage.

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

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

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

28 Section 90. The State Mandates Act is amended by adding
29 Section 8.26 as follows:

30 (30 ILCS 805/8.26 new)

31 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
32 and 8 of this Act, no reimbursement by the State is required

1 for the implementation of any mandate created by this
2 amendatory Act of the 92nd General Assembly.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.