



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2798

Introduced 2/4/2020, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-151.1  
30 ILCS 805/8.44 new

from Ch. 108 1/2, par. 6-151.1

Amends the Chicago Firefighter Article of the Illinois Pension Code. Provides that any fireman receiving a retirement annuity shall be entitled to an occupational disease disability benefit if the fireman (1) has not reached the age of compulsory retirement, (2) has not been receiving a retirement annuity for more than 5 years, and (3) has a condition that would have qualified the fireman for an occupational disease disability benefit if he or she was an active fireman. Provides that a fireman who receives an occupational disease disability benefit in accordance with the amendatory Act may not receive a retirement annuity during the period in which he or she receives an occupational disease disability benefit. Provides that the occupational disease disability benefit shall terminate upon the fireman reaching compulsory retirement age. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB101 19615 RPS 69095 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 6-151.1 as follows:

6 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

7 Sec. 6-151.1. The General Assembly finds and declares that  
8 service in the Fire Department requires that firemen, in times  
9 of stress and danger, must perform unusual tasks; that by  
10 reason of their occupation, firemen are subject to exposure to  
11 great heat and to extreme cold in certain seasons while in  
12 performance of their duties; that by reason of their employment  
13 firemen are required to work in the midst of and are subject to  
14 heavy smoke fumes and carcinogenic, poisonous, toxic or  
15 chemical gases from fires; and that in the course of their  
16 rescue and paramedic duties firemen are exposed to disabling  
17 infectious diseases, including AIDS, hepatitis C, and stroke.  
18 The General Assembly further finds and declares that all the  
19 aforementioned conditions exist and arise out of or in the  
20 course of such employment.

21 Any active fireman who has completed 7 or more years of  
22 service and is unable to perform his duties in the Fire  
23 Department by reason of heart disease, tuberculosis, any

1 disease of the lungs or respiratory tract, AIDS, hepatitis C,  
2 or stroke resulting from his service as a fireman, shall be  
3 entitled to receive an occupational disease disability benefit  
4 during any period of such disability for which he does not have  
5 a right to receive salary.

6 Any active fireman who has completed 7 or more years of  
7 service and is unable to perform his duties in the fire  
8 department by reason of a disabling cancer, which develops or  
9 manifests itself during a period while the fireman is in the  
10 service of the department, shall be entitled to receive an  
11 occupational disease disability benefit during any period of  
12 such disability for which he does not have a right to receive  
13 salary. In order to receive this occupational disease  
14 disability benefit, the type of cancer involved must be a type  
15 which may be caused by exposure to heat, radiation or a known  
16 carcinogen as defined by the International Agency for Research  
17 on Cancer.

18 Any fireman receiving a retirement annuity shall be  
19 entitled to an occupational disease disability benefit under  
20 this Section if the fireman (1) has not reached the age of  
21 compulsory retirement, (2) has not been receiving a retirement  
22 annuity for more than 5 years, and (3) has a condition that  
23 would have qualified the fireman for an occupational disease  
24 disability benefit under this Section if he or she was an  
25 active fireman. A fireman who receives an occupational disease  
26 disability benefit in accordance with this paragraph may not

1 receive a retirement annuity during the period in which he or  
2 she receives an occupational disease disability benefit. The  
3 occupational disease disability benefit shall terminate upon  
4 the fireman reaching the age of compulsory retirement.

5 Any fireman who shall enter the service after the effective  
6 date of this amendatory Act shall be examined by one or more  
7 practicing physicians appointed by the Board, and if that  
8 examination discloses impairment of the heart, lungs, or  
9 respiratory tract, or the existence of AIDS, hepatitis C,  
10 stroke, or cancer, then the fireman shall not be entitled to  
11 receive an occupational disease disability benefit unless and  
12 until a subsequent examination reveals no such impairment,  
13 AIDS, hepatitis C, stroke, or cancer.

14 The occupational disease disability benefit shall be 65% of  
15 the fireman's salary at the time of his removal from the  
16 Department payroll. However, beginning January 1, 1994, no  
17 occupational disease disability benefit that has been payable  
18 under this Section for at least 10 years shall be less than 50%  
19 of the current salary attached from time to time to the rank  
20 and grade held by the fireman at the time of his removal from  
21 the Department payroll, regardless of whether that removal  
22 occurred before the effective date of this amendatory Act of  
23 1993.

24 Such fireman also shall have a right to receive child's  
25 disability benefit of \$30 per month on account of each  
26 unmarried child who is less than 18 years of age or

1 handicapped, dependent upon the fireman for support, and either  
2 the issue of the fireman or legally adopted by him. The total  
3 amount of child's disability benefit payable to the fireman,  
4 when added to his occupational disease disability benefit,  
5 shall not exceed 75% of the amount of salary which he was  
6 receiving at the time of the grant of occupational disease  
7 disability benefit.

8 The first payment of occupational disease disability  
9 benefit or child's disability benefit shall be made not later  
10 than one month after the benefit is granted. Each subsequent  
11 payment shall be made not later than one month after the date  
12 of the latest payment.

13 Occupational disease disability benefit shall be payable  
14 during the period of the disability until the fireman reaches  
15 the age of compulsory retirement. Child's disability benefit  
16 shall be paid to such a fireman during the period of disability  
17 until such child or children attain age 18 or marry, whichever  
18 event occurs first; except that attainment of age 18 by a child  
19 who is so physically or mentally handicapped as to be dependent  
20 upon the fireman for support, shall not render the child  
21 ineligible for child's disability benefit. The fireman  
22 thereafter shall receive such annuity or annuities as are  
23 provided for him in accordance with other provisions of this  
24 Article.

25 (Source: P.A. 93-654, eff. 1-16-04.)

1 Section 90. The State Mandates Act is amended by adding  
2 Section 8.44 as follows:

3 (30 ILCS 805/8.44 new)

4 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8  
5 of this Act, no reimbursement by the State is required for the  
6 implementation of any mandate created by this amendatory Act of  
7 the 101st General Assembly.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.