



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5603

Introduced 2/9/2024, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-111	from Ch. 108 1/2, par. 6-111
40 ILCS 5/6-211	from Ch. 108 1/2, par. 6-211
30 ILCS 805/8.48 new	

Amends the Chicago Firefighter Article of the Illinois Pension Code. Provides that "salary" means the actual salary attached to the exempt rank position held by the fireman, if specified contributions have been made and the fireman has held one or more exempt positions for at least 3 years (instead of 5 consecutive years) and has held the rank of battalion chief, field officer, captain, ambulance commander, lieutenant, or paramedic-in-charge for at least 3 years (instead of held the rank of battalion chief or field officer for at least 5 years) during the exempt period. Removes a provision that limits application of that salary definition to firemen born before 1955. Makes conforming changes. Amends the State Mandates Act to require implementation without reimbursement.

LRB103 36115 RPS 66206 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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
5 changing Sections 6-111 and 6-211 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) "Salary" means the actual amount of the annual salary
20 attached to the permanent career service rank held by the
21 fireman, except as provided in subsections (e) and (e-5).

22 (e) In the case of a fireman who holds an exempt position
23 above career service rank:

1 (1) For the purpose of computing employee and city
2 contributions, "salary" means the actual salary attached
3 to the exempt rank position held by the fireman.

4 (2) For the purpose of computing benefits: "salary"
5 means the actual salary attached to the exempt rank
6 position held by the fireman, if (i) the contributions
7 specified in Section 6-211 have been made and ~~7~~ (ii) the
8 fireman has held one or more exempt positions for at least
9 3 ~~5~~ consecutive years and has held the rank of battalion
10 chief, ~~or~~ field officer, captain, ambulance commander,
11 lieutenant, or paramedic-in-charge for at least 3 ~~5~~ years
12 during the exempt period, ~~and (iii) the fireman was born~~
13 ~~before 1955~~; otherwise, "salary" means the salary attached
14 to the permanent career service rank held by the fireman,
15 as provided in subsection (d).

16 (e-5) In the case of a person who made the election to
17 participate under Section 6-230, "salary" means the lesser
18 of (i) the salary associated with the highest career
19 service rank under this Article or (ii) the actual salary
20 received by that person for service in a position covered
21 under Section 8-243.

22 (f) Beginning on the effective date of this amendatory Act
23 of the 93rd General Assembly, and for any prior periods for
24 which contributions have been paid under subsection (g) of
25 this Section, all salary payments made to any active or former
26 fireman who holds or previously held the permanent assigned

1 position or classified career service rank, grade, or position
2 of ambulance commander shall be included as salary for all
3 purposes under this Article.

4 (g) Any active or former fireman who held the permanent
5 assigned position or classified career service rank, grade, or
6 position of ambulance commander may elect to have the full
7 amount of the salary attached to that permanent assigned
8 position or classified career service rank, grade, or position
9 included in the calculation of his or her salary for any period
10 during which the fireman held the permanent assigned position
11 or classified career service rank, grade, or position of
12 ambulance commander by applying in writing and making all
13 employee and employer contributions, without interest, related
14 to the actual salary payments corresponding to the permanent
15 assigned position or classified career service rank, grade, or
16 position of ambulance commander for all periods beginning on
17 or after January 1, 1995. All applicable contributions must be
18 paid in full to the Fund before January 1, 2006 before the
19 payment of any benefit under this subsection (g) will be made.

20 Any former fireman or widow of a fireman who (i) held the
21 permanent assigned position or classified career service rank,
22 grade, or position of ambulance commander, (ii) is in receipt
23 of annuity on the effective date of this amendatory Act of the
24 93rd General Assembly, and (iii) pays to the Fund
25 contributions under this subsection (g) for salary payments at
26 the permanent assigned position or classified career service

1 rank, grade, or position of ambulance commander shall have his
2 or her annuity recalculated to reflect the ambulance commander
3 salary and the resulting increase shall become payable on the
4 next annuity payment date following the date the contribution
5 is received by the Fund.

6 In the case of an active or former fireman who (i) dies
7 before January 1, 2006 without making an election under this
8 subsection and (ii) was eligible to make an election under
9 this subsection at the time of death (or would have been
10 eligible had the death occurred after the effective date of
11 this amendatory Act), any surviving spouse, child, or parent
12 of the fireman who is eligible to receive a benefit under this
13 Article based on the fireman's salary may make that election
14 and pay the required contributions on behalf of the deceased
15 fireman. If the death occurs within the 30 days immediately
16 preceding January 1, 2006, the deadline for application and
17 payment is extended to January 31, 2006.

18 Any portion of the compensation received for service as an
19 ambulance commander for which the corresponding contributions
20 have not been paid shall not be included in the calculation of
21 salary.

22 (h) Beginning January 1, 1999, with respect to a fireman
23 who is licensed by the State as an Emergency Medical
24 Technician, references in this Article to the fireman's salary
25 or the salary attached to or appropriated for the permanent
26 assigned position or classified career service rank, grade, or

1 position of the fireman shall be deemed to include any
2 additional compensation payable to the fireman by virtue of
3 being licensed as an Emergency Medical Technician, as provided
4 under a collective bargaining agreement with the city.

5 (i) Beginning on the effective date of this amendatory Act
6 of the 93rd General Assembly (and for any period prior to that
7 date for which contributions have been paid under subsection
8 (j) of this Section), the salary of a fireman, as calculated
9 for any purpose under this Article, shall include any duty
10 availability pay received by the fireman (i) pursuant to a
11 collective bargaining agreement or (ii) pursuant to an
12 appropriation ordinance in an amount equivalent to the amount
13 of duty availability pay received by other firemen pursuant to
14 a collective bargaining agreement, and references in this
15 Article to the salary attached to or appropriated for the
16 permanent assigned position or classified career service rank,
17 grade, or position of the fireman shall be deemed to include
18 that duty availability pay.

19 (j) An active or former fireman who received duty
20 availability pay at any time after December 31, 1994 and
21 before the effective date of this amendatory Act of the 93rd
22 General Assembly and who either (1) retired during that period
23 or (2) had attained age 46 and at least 16 years of service by
24 the effective date of this amendatory Act may elect to have
25 that duty availability pay included in the calculation of his
26 or her salary for any portion of that period for which the pay

1 was received, by applying in writing and paying to the Fund,
2 before January 1, 2006, the corresponding employee
3 contribution, without interest.

4 In the case of an applicant who is receiving an annuity at
5 the time the application and contribution are received by the
6 Fund, the annuity shall be recalculated and the resulting
7 increase shall become payable on the next annuity payment date
8 following the date the contribution is received by the Fund.

9 In the case of an active or former fireman who (i) dies
10 before January 1, 2006 without making an election under this
11 subsection and (ii) was eligible to make an election under
12 this subsection at the time of death (or would have been
13 eligible had the death occurred after the effective date of
14 this amendatory Act), any surviving spouse, child, or parent
15 of the fireman who is eligible to receive a benefit under this
16 Article based on the fireman's salary may make that election
17 and pay the required contribution on behalf of the deceased
18 fireman. If the death occurs within the 30 days immediately
19 preceding January 1, 2006, the deadline for application and
20 payment is extended to January 31, 2006.

21 Any duty availability pay for which the corresponding
22 employee contribution has not been paid shall not be included
23 in the calculation of salary.

24 (k) The changes to this Section made by this amendatory
25 Act of the 93rd General Assembly are not limited to firemen in
26 service on or after the effective date of this amendatory Act.

1 (Source: P.A. 100-1144, eff. 11-28-18.)

2 (40 ILCS 5/6-211) (from Ch. 108 1/2, par. 6-211)

3 Sec. 6-211. Permanent and temporary positions; exempt
4 positions above career service rank.

5 (a) Except as specified in subsection (b), no annuity,
6 pension or other benefit shall be paid to a fireman or widow,
7 under this Article, based upon any salary paid by virtue of a
8 temporary appointment, and all contributions, annuities and
9 benefits shall be related to the salary which attaches to the
10 permanent position of the fireman.

11 Any fireman temporarily serving in a position or rank
12 other than that to which he has received permanent appointment
13 shall be considered, while so serving, as though he were in his
14 permanent position or rank, except that no increase in any
15 pension, annuity or other benefit hereunder shall accrue to
16 him by virtue of any service performed by him subsequent to
17 attaining the compulsory retirement age provided by law or
18 ordinance.

19 This Section does not apply to any person certified to the
20 fire department by the civil service commission of the city,
21 during the period of probationary service.

22 A fireman who holds a position at the will of the Fire
23 Commissioner or other appointing authority, whether or not
24 such position is an "exempt" position, shall be deemed to hold
25 a temporary position.

1 (b) Beginning on the effective date of this amendatory Act
2 of the 93rd General Assembly, for service in an exempt
3 position above career service rank, employee contributions
4 shall be based on the actual full salary attached to the exempt
5 rank position held by the fireman.

6 For service in an exempt position above career service
7 rank, benefit computations under this Article shall be based
8 on the actual full salary attached to the exempt rank position
9 held by the fireman if and only if:

10 (1) employee contributions have been paid on the
11 actual full salary attached to the exempt rank position
12 held by the fireman for all service on or after January 1,
13 1994 in an exempt position above career service rank; and

14 (2) the fireman has held one or more exempt positions
15 for at least 3 ~~5~~ consecutive years ~~(or, in the case of a~~
16 ~~fireman who retired due to attainment of compulsory~~
17 ~~retirement age before December 1, 2003, held one or more~~
18 ~~exempt positions for a consecutive period of at least 3~~
19 ~~years and 9 months and made the payment required under~~
20 ~~subsection (c) for a period of at least 5 years)~~ and has
21 held the rank of battalion chief, or field officer, or
22 captain, ambulance commander, lieutenant, or
23 paramedic-in-charge for at least 3 ~~5~~ years ~~(at least 3~~
24 ~~years and 9 months in the case of a fireman who retired due~~
25 ~~to attainment of compulsory retirement age before December~~
26 ~~1, 2003)~~ during the exempt period, and

1 ~~(3) the fireman was born before 1955.~~

2 (c) For service prior to the effective date of this
3 amendatory Act of the 93rd General Assembly in an exempt
4 position above career service rank for which contributions
5 have been paid only on the salary attached to the fireman's
6 permanent career service rank, a fireman may make the
7 contributions required under subsection (b) by paying to the
8 Fund before the later of the date of retirement or 6 months
9 after the effective date of this amendatory Act, but in no
10 event later than July 1, 2005, an amount equal to the
11 difference between the employee contributions actually made
12 for that service and the employee contributions that would
13 have been made based on the actual full salary attached to the
14 exempt rank position held by the fireman on or after January 1,
15 1994, plus interest thereon at the rate of 4% per year,
16 compounded annually, from the date of the service to the date
17 of payment (or to the date of retirement if retirement is
18 before the effective date of this amendatory Act). In the case
19 of a fireman who retired in an exempt rank position after
20 January 1, 1994 and before January 1, 1999 and in the case of a
21 fireman who retired due to attaining compulsory retirement age
22 before December 1, 2003, the payment under this subsection (c)
23 shall be for a period of at least 5 years.

24 If a fireman dies while eligible to make the contributions
25 required under subsection (b) but before the contributions are
26 paid, the fireman's widow may elect to make the contributions.

1 (d) Subsection (e) of Section 6-111 and the changes made
2 to this Section by this amendatory Act of the 93rd General
3 Assembly apply to a fireman who retires (or becomes disabled)
4 on or after January 1, 1994. In the case of a benefit payable
5 on the effective date of this amendatory Act, the resulting
6 increase in benefit shall begin to accrue with the first
7 benefit payment period commencing after the required
8 contributions are paid.

9 (e) If a fireman or his survivors do not qualify to have
10 benefits computed on the full amount of salary received for
11 service in an exempt position as provided in subsection (b),
12 benefits shall be computed on the basis of the salary attached
13 to the permanent career service rank, and a refund of any
14 employee contributions paid on the difference between the
15 actual salary and the salary attached to the permanent career
16 service rank shall be payable to the fireman upon termination
17 of service, or to the fireman's widow or estate upon the
18 fireman's death.

19 (f) The tax levy computed under Section 6-165 shall be
20 based on employee contributions, including the payments of
21 employee contributions under subsections (a), (b), and (c) of
22 this Section 6-211.

23 (g) The city shall pay to the Fund on an annual basis, in
24 addition to the usual city contributions, an amount at least
25 equal to the sum of (1) the increase in normal cost resulting
26 from subsection (e) of Section 6-111 and the changes made to

1 this Section by this amendatory Act of the 93rd General
2 Assembly, plus (2) amortization (over a period of 30 years
3 from the effective date of this amendatory Act) of the initial
4 unfunded liability resulting from subsection (e) of Section
5 6-111 and the changes made to this Section by this amendatory
6 Act of the 93rd General Assembly. The payment required under
7 this subsection shall be no less than \$400,000 per year.
8 Payment shall begin with the first calendar year commencing
9 after the effective date of this amendatory Act and shall be in
10 addition to the tax levy otherwise calculated under Section
11 6-165. The city may increase that tax levy by the amount of the
12 payment required under this subsection, or it may utilize any
13 funds appropriated for this purpose.

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

15 Section 90. The State Mandates Act is amended by adding
16 Section 8.48 as follows:

17 (30 ILCS 805/8.48 new)

18 Sec. 8.48. Exempt mandate. Notwithstanding Sections 6 and
19 8 of this Act, no reimbursement by the State is required for
20 the implementation of any mandate created by this amendatory
21 Act of the 103rd General Assembly.