



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0749

Introduced 2/1/2005, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

40 ILCS 5/6-151.1
30 ILCS 805/8.29 new

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

Amends the Chicago Firefighter Article of the Illinois Pension Code. Provides that if a firefighter who is unable to perform his or her duties because of an occupational disease or disability dies within the initial one-year period during which he or she continues to receive salary rather than an occupational disease disability benefit, the firefighter's surviving spouse may elect to receive the same benefits (including health care benefits) as she or he would have qualified for if the deceased firefighter had been receiving an occupational disease disability benefit at the time of death. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 06140 EFG 36205 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. Occupational disease disability benefit. The
8 General Assembly finds and declares that service in the Fire
9 Department requires that firemen, in times of stress and
10 danger, must perform unusual tasks; that by reason of their
11 occupation, firemen are subject to exposure to great heat and
12 to extreme cold in certain seasons while in performance of
13 their duties; that by reason of their employment firemen are
14 required to work in the midst of and are subject to heavy smoke
15 fumes and carcinogenic, poisonous, toxic or chemical gases from
16 fires; and that in the course of their rescue and paramedic
17 duties firemen are exposed to disabling infectious diseases,
18 including AIDS, hepatitis C, and stroke. The General Assembly
19 further finds and declares that all the aforementioned
20 conditions exist and arise out of or in the course of such
21 employment.

22 Any active fireman who has completed 7 or more years of
23 service and is unable to perform his duties in the Fire
24 Department by reason of heart disease, tuberculosis, any
25 disease of the lungs or respiratory tract, AIDS, hepatitis C,
26 or stroke resulting from his service as a fireman, shall be
27 entitled to receive an occupational disease disability benefit
28 during any period of such disability for which he does not have
29 a right to receive salary.

30 Any active fireman who has completed 7 or more years of
31 service and is unable to perform his duties in the fire
32 department by reason of a disabling cancer, which develops or

1 manifests itself during a period while the fireman is in the
2 service of the department, shall be entitled to receive an
3 occupational disease disability benefit during any period of
4 such disability for which he does not have a right to receive
5 salary. In order to receive this occupational disease
6 disability benefit, the type of cancer involved must be a type
7 which may be caused by exposure to heat, radiation or a known
8 carcinogen as defined by the International Agency for Research
9 on Cancer.

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

19 The occupational disease disability benefit shall be 65% of
20 the fireman's salary at the time of his removal from the
21 Department payroll. However, beginning January 1, 1994, no
22 occupational disease disability benefit that has been payable
23 under this Section for at least 10 years shall be less than 50%
24 of the current salary attached from time to time to the rank
25 and grade held by the fireman at the time of his removal from
26 the Department payroll, regardless of whether that removal
27 occurred before the effective date of this amendatory Act of
28 1993.

29 Such fireman also shall have a right to receive child's
30 disability benefit of \$30 per month on account of each
31 unmarried child who is less than 18 years of age or
32 handicapped, dependent upon the fireman for support, and either
33 the issue of the fireman or legally adopted by him. The total
34 amount of child's disability benefit payable to the fireman,
35 when added to his occupational disease disability benefit,
36 shall not exceed 75% of the amount of salary which he was

1 receiving at the time of the grant of occupational disease
2 disability benefit.

3 The first payment of occupational disease disability
4 benefit or child's disability benefit shall be made not later
5 than one month after the benefit is granted. Each subsequent
6 payment shall be made not later than one month after the date
7 of the latest payment.

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

20 If a fireman who is unable to perform his duties because of
21 an occupational disease or disability dies within the initial
22 one-year period during which he continues to receive salary
23 rather than an occupational disease disability benefit, the
24 fireman's surviving spouse may elect to receive the same
25 benefits (including health care benefits) as she would have
26 qualified for if the deceased fireman had been receiving an
27 occupational disease disability benefit at the time of death.

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

29 Section 90. The State Mandates Act is amended by adding
30 Section 8.29 as follows:

31 (30 ILCS 805/8.29 new)

32 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
33 of this Act, no reimbursement by the State is required for the
34 implementation of any mandate created by this amendatory Act of

1 the 94th General Assembly.

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