



Sen. Daniel Biss

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1 AMENDMENT TO HOUSE BILL 299

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 299 on page 1, line  
3 5, by replacing "Section 15-139.5" with "Sections 15-113,  
4 15-135, 15-139.5, 15-152, 15-153.2, and 15-168.1"; and

5 on page 1, immediately below line 5, by inserting the  
6 following:

7 "(40 ILCS 5/15-113) (from Ch. 108 1/2, par. 15-113)

8 Sec. 15-113. Service. "Service": The periods defined in  
9 Sections 15-113.1 through 15-113.9 and Sections ~~Section~~  
10 15-113.11 through 15-113.12.

11 (Source: P.A. 97-933, eff. 8-10-12; 97-968, eff. 8-16-12.)

12 (40 ILCS 5/15-135) (from Ch. 108 1/2, par. 15-135)

13 (Text of Section WITHOUT the changes made by P.A. 98-599,  
14 which has been held unconstitutional)

15 Sec. 15-135. Retirement annuities - Conditions.

1 (a) This subsection (a) applies only to a Tier 1 member. A  
2 participant who retires in one of the following specified years  
3 with the specified amount of service is entitled to a  
4 retirement annuity at any age under the retirement program  
5 applicable to the participant:

6 35 years if retirement is in 1997 or before;

7 34 years if retirement is in 1998;

8 33 years if retirement is in 1999;

9 32 years if retirement is in 2000;

10 31 years if retirement is in 2001;

11 30 years if retirement is in 2002 or later.

12 A participant with 8 or more years of service after  
13 September 1, 1941, is entitled to a retirement annuity on or  
14 after attainment of age 55.

15 A participant with at least 5 but less than 8 years of  
16 service after September 1, 1941, is entitled to a retirement  
17 annuity on or after attainment of age 62.

18 A participant who has at least 25 years of service in this  
19 system as a police officer or firefighter is entitled to a  
20 retirement annuity on or after the attainment of age 50, if  
21 Rule 4 of Section 15-136 is applicable to the participant.

22 (a-5) A Tier 2 member is entitled to a retirement annuity  
23 upon written application if he or she has attained age 67 and  
24 has at least 10 years of service credit and is otherwise  
25 eligible under the requirements of this Article. A Tier 2  
26 member who has attained age 62 and has at least 10 years of

1 service credit and is otherwise eligible under the requirements  
2 of this Article may elect to receive the lower retirement  
3 annuity provided in subsection (b-5) of Section 15-136 of this  
4 Article.

5 (b) The annuity payment period shall begin on the date  
6 specified by the participant or the recipient of a disability  
7 retirement annuity submitting a written application. For a  
8 participant, the date on which the annuity payment period  
9 begins, ~~which date~~ shall not be prior to termination of  
10 employment or more than one year before the application is  
11 received by the board; however, if the participant is not an  
12 employee of an employer participating in this System or in a  
13 participating system as defined in Article 20 of this Code on  
14 April 1 of the calendar year next following the calendar year  
15 in which the participant attains age 70 1/2, the annuity  
16 payment period shall begin on that date regardless of whether  
17 an application has been filed. For a recipient of a disability  
18 retirement annuity, the date on which the annuity payment  
19 period begins shall not be prior to the discontinuation of the  
20 disability retirement annuity under Section 15-153.2.

21 (c) An annuity is not payable if the amount provided under  
22 Section 15-136 is less than \$10 per month.

23 (Source: P.A. 97-933, eff. 8-10-12; 97-968, eff. 8-16-12;  
24 98-92, eff. 7-16-13.); and

25 on page 8, immediately below line 1, by inserting the

1 following:

2 "(40 ILCS 5/15-152) (from Ch. 108 1/2, par. 15-152)

3 Sec. 15-152. Disability benefits - Duration. Disability  
4 benefits shall be discontinued when the earliest of the  
5 following occurs: (1) when disability ceases, (2) upon refusal  
6 of the participant to submit to a reasonable physical  
7 examination by a physician approved by the board, (3) upon  
8 refusal of the participant to accept any position, assigned in  
9 good faith by an employer, the duties of which could reasonably  
10 be performed by the participant and the earnings of which would  
11 be at least equal to the disability benefit payable under this  
12 Article, (4) upon September 1, following the participant's 70th  
13 birthday, if the disability benefit commenced prior to  
14 attainment of age 65, (5) the end of the month following the  
15 fifth anniversary of the date disability benefits commenced, if  
16 such benefits began after the attainment of age 65, ~~or~~ (6) when  
17 the total disability benefits paid equal 50% of the  
18 participant's total earnings for the entire period of  
19 employment for which service has been granted prior to the date  
20 disability benefits began to accrue, or (7) upon failure of the  
21 participant to provide an earnings verification necessary to  
22 determine continuance of benefits. If the disability was caused  
23 by an on-the-job accident, and the participant is granted  
24 workers' compensation or occupational disease payments from  
25 the employer or the State of Illinois, the limitation in clause

1 (6) shall not be applicable.

2 Service and earnings credits under the State Employees'  
3 Retirement System of Illinois and the Teachers' Retirement  
4 System of the State of Illinois shall be considered in  
5 determining the employee's eligibility for, and the duration of  
6 disability benefits.

7 If, by law, a function of a governmental unit, as defined  
8 by Section 20-107 is transferred in whole or in part to an  
9 employer and an employee transfers employment from the  
10 governmental unit to such employer within 6 months after the  
11 transfer of this function, the pension credits in the  
12 governmental unit's retirement system which have been  
13 validated under Section 20-109, shall be treated the same as  
14 pension credits in this Section in determining an employee's  
15 eligibility for, and the duration of disability benefits.

16 (Source: P.A. 86-273.)

17 (40 ILCS 5/15-153.2) (from Ch. 108 1/2, par. 15-153.2)

18 Sec. 15-153.2. Disability retirement annuity. A  
19 participant whose disability benefits are discontinued under  
20 the provisions of clause (6) of Section 15-152 and who is not a  
21 participant in the optional retirement plan established under  
22 Section 15-158.2 is entitled to a disability retirement annuity  
23 of 35% of the basic compensation which was payable to the  
24 participant at the time that disability began, provided that  
25 the board determines that the participant has a medically

1 determinable physical or mental impairment that prevents him or  
2 her from engaging in any substantial gainful activity, and  
3 which can be expected to result in death or which has lasted or  
4 can be expected to last for a continuous period of not less  
5 than 12 months.

6 The board's determination of whether a participant is  
7 disabled shall be based upon:

8 (i) a written certificate from one or more licensed and  
9 practicing physicians appointed by or acceptable to the  
10 board, stating that the participant is unable to engage in  
11 any substantial gainful activity; and

12 (ii) any other medical examinations, hospital records,  
13 laboratory results, or other information necessary for  
14 determining the employment capacity and condition of the  
15 participant.

16 The terms "medically determinable physical or mental  
17 impairment" and "substantial gainful activity" shall have the  
18 meanings ascribed to them in the federal Social Security Act,  
19 as now or hereafter amended, and the regulations issued  
20 thereunder.

21 The disability retirement annuity payment period shall  
22 begin immediately following the expiration of the disability  
23 benefit payments under clause (6) of Section 15-152 and shall  
24 be discontinued for a recipient of a disability retirement  
25 annuity when (1) the physical or mental impairment no longer  
26 prevents the recipient ~~participant~~ from engaging in any

1 substantial gainful activity, (2) the recipient participant  
2 dies, ~~or~~ (3) the recipient participant elects to receive a  
3 retirement annuity under Sections 15-135 and 15-136, (4) the  
4 recipient refuses to submit to a reasonable physical  
5 examination by a physician approved by the board, or (5) the  
6 recipient fails to provide an earnings verification necessary  
7 to determine continuance of benefits. If a person's disability  
8 retirement annuity is discontinued under clause (1), all rights  
9 and credits accrued in the system on the date that the  
10 disability retirement annuity began shall be restored, and the  
11 disability retirement annuity paid shall be considered as  
12 disability payments under clause (6) of Section 15-152.

13 The board shall adopt rules governing the filing,  
14 investigation, control, and supervision of disability  
15 retirement annuity claims. Costs incurred by a claimant in  
16 connection with completing a claim for a disability retirement  
17 annuity shall be paid: (A) by the claimant in the case of the  
18 one required medical examination, medical certificate, and any  
19 other requirements generally imposed by the board on all  
20 disability retirement annuity claimants; and (B) by the System  
21 in the case of any additional medical examination or other  
22 additional requirement imposed on a particular claimant that is  
23 not imposed generally on all disability retirement annuity  
24 claimants.

25 (Source: P.A. 97-933, eff. 8-10-12; 97-968, eff. 8-16-12.)

1 (40 ILCS 5/15-168.1)

2 Sec. 15-168.1. Testimony and the production of records. The  
3 secretary of the Board shall have the power to issue subpoenas  
4 to compel the attendance of witnesses and the production of  
5 documents and records, including law enforcement records  
6 maintained by law enforcement agencies, in conjunction with:

7 (1) the determination of employer payments required  
8 under subsection (g) of Section 15-155;

9 (2) a disability claim;

10 (3) an administrative review proceeding;

11 (4) an attempt to obtain information to assist in the  
12 collection of sums due to the System;

13 (5) obtaining any and all personal identifying  
14 information necessary for the administration of benefits;

15 (6) the determination of the death of a benefit  
16 recipient or a potential benefit recipient; or

17 (7) a felony forfeiture investigation.

18 The fees of witnesses for attendance and travel shall be  
19 the same as the fees of witnesses before the circuit courts of  
20 this State and shall be paid by the party seeking the subpoena.  
21 The Board may apply to any circuit court in the State for an  
22 order requiring compliance with a subpoena issued under this  
23 Section. Subpoenas issued under this Section shall be subject  
24 to applicable provisions of the Code of Civil Procedure.

25 (Source: P.A. 94-1057, eff. 7-31-06.)".