



Rep. Elaine Nekritz

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LRB100 05689 RPS 16829 a

1 AMENDMENT TO HOUSE BILL 368

2 AMENDMENT NO. _____. Amend House Bill 368 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 15-113, 15-135, 15-152, 15-153.2, and
6 15-168.1 as follows:

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 Sec. 15-135. Retirement annuities - Conditions.

14 (a) This subsection (a) applies only to a Tier 1 member. A
15 participant who retires in one of the following specified years

1 with the specified amount of service is entitled to a
2 retirement annuity at any age under the retirement program
3 applicable to the participant:

4 35 years if retirement is in 1997 or before;

5 34 years if retirement is in 1998;

6 33 years if retirement is in 1999;

7 32 years if retirement is in 2000;

8 31 years if retirement is in 2001;

9 30 years if retirement is in 2002 or later.

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

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

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

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

1 annuity provided in subsection (b-5) of Section 15-136 of this
2 Article.

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

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

21 (Source: P.A. 97-933, eff. 8-10-12; 97-968, eff. 8-16-12;
22 98-92, eff. 7-16-13.)

23 (40 ILCS 5/15-152) (from Ch. 108 1/2, par. 15-152)

24 Sec. 15-152. Disability benefits - Duration. Disability
25 benefits shall be discontinued when the earliest of the

1 following occurs: (1) when disability ceases, (2) upon refusal
2 of the participant to submit to a reasonable physical
3 examination by a physician approved by the board, (3) upon
4 refusal of the participant to accept any position, assigned in
5 good faith by an employer, the duties of which could reasonably
6 be performed by the participant and the earnings of which would
7 be at least equal to the disability benefit payable under this
8 Article, (4) upon September 1, following the participant's 70th
9 birthday, if the disability benefit commenced prior to
10 attainment of age 65, (5) the end of the month following the
11 fifth anniversary of the date disability benefits commenced, if
12 such benefits began after the attainment of age 65, ~~or~~ (6) when
13 the total disability benefits paid equal 50% of the
14 participant's total earnings for the entire period of
15 employment for which service has been granted prior to the date
16 disability benefits began to accrue, or (7) upon failure of the
17 participant to provide an earnings verification necessary to
18 determine continuance of benefits. If the disability was caused
19 by an on-the-job accident, and the participant is granted
20 workers' compensation or occupational disease payments from
21 the employer or the State of Illinois, the limitation in clause
22 (6) shall not be applicable.

23 Service and earnings credits under the State Employees'
24 Retirement System of Illinois and the Teachers' Retirement
25 System of the State of Illinois shall be considered in
26 determining the employee's eligibility for, and the duration of

1 disability benefits.

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

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

12 (40 ILCS 5/15-153.2) (from Ch. 108 1/2, par. 15-153.2)

13 Sec. 15-153.2. Disability retirement annuity. A
14 participant whose disability benefits are discontinued under
15 the provisions of clause (6) of Section 15-152 and who is not a
16 participant in the optional retirement plan established under
17 Section 15-158.2 is entitled to a disability retirement annuity
18 of 35% of the basic compensation which was payable to the
19 participant at the time that disability began, provided that
20 the board determines that the participant has a medically
21 determinable physical or mental impairment that prevents him or
22 her from engaging in any substantial gainful activity, and
23 which can be expected to result in death or which has lasted or
24 can be expected to last for a continuous period of not less
25 than 12 months.

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

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

7 (ii) any other medical examinations, hospital records,
8 laboratory results, or other information necessary for
9 determining the employment capacity and condition of the
10 participant.

11 The terms "medically determinable physical or mental
12 impairment" and "substantial gainful activity" shall have the
13 meanings ascribed to them in the federal Social Security Act,
14 as now or hereafter amended, and the regulations issued
15 thereunder.

16 The disability retirement annuity payment period shall
17 begin immediately following the expiration of the disability
18 benefit payments under clause (6) of Section 15-152 and shall
19 be discontinued for a recipient of a disability retirement
20 annuity when (1) the physical or mental impairment no longer
21 prevents the recipient ~~participant~~ from engaging in any
22 substantial gainful activity, (2) the recipient ~~participant~~
23 dies, ~~or~~ (3) the recipient ~~participant~~ elects to receive a
24 retirement annuity under Sections 15-135 and 15-136, (4) the
25 recipient refuses to submit to a reasonable physical
26 examination by a physician approved by the board, or (5) the

1 recipient fails to provide an earnings verification necessary
2 to determine continuance of benefits. If a person's disability
3 retirement annuity is discontinued under clause (1), all rights
4 and credits accrued in the system on the date that the
5 disability retirement annuity began shall be restored, and the
6 disability retirement annuity paid shall be considered as
7 disability payments under clause (6) of Section 15-152.

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

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

21 (40 ILCS 5/15-168.1)

22 Sec. 15-168.1. Testimony and the production of records. The
23 secretary of the Board shall have the power to issue subpoenas
24 to compel the attendance of witnesses and the production of
25 documents and records, including law enforcement records

1 maintained by law enforcement agencies, in conjunction with:

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

4 (2) a disability claim;

5 (3) an administrative review proceeding;

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

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

10 (6) the determination of the death of a benefit
11 recipient or a potential benefit recipient; or

12 (7) a felony forfeiture investigation.

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."