



Sen. Jennifer Bertino-Tarrant

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LRB098 17036 EFG 57230 a

1 AMENDMENT TO SENATE BILL 3309

2 AMENDMENT NO. _____. Amend Senate Bill 3309 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 2-114, 14-103.19, 18-116, and 21-105.1 and by
6 adding Sections 2-155.1, 2-163, 14-148.1, 14-153.3, 18-162.1,
7 and 18-170 as follows:

8 (40 ILCS 5/2-114) (from Ch. 108 1/2, par. 2-114)

9 Sec. 2-114. Actuarial tables.

10 "Actuarial tables": Tabular listings of assumed rates of
11 death, disability, retirement and withdrawal from service and
12 mathematical functions derived from such rates combined with an
13 assumed rate of interest based upon the experience of the
14 system as adopted by the board upon recommendation of the
15 actuary.

16 The adopted actuarial tables shall be used to determine the

1 amount of all benefits under this Article, including any
2 optional forms of benefits. Optional forms of benefits must be
3 the actuarial equivalent of the normal benefit payable under
4 this Article.

5 (Source: Laws 1963, p. 161.)

6 (40 ILCS 5/2-155.1 new)

7 Sec. 2-155.1. Mistake in benefit. If the System mistakenly
8 sets any benefit at an incorrect amount, it shall recalculate
9 the benefit as soon as may be practicable after the mistake is
10 discovered.

11 If the benefit was mistakenly set too low, the System shall
12 make a lump sum payment to the recipient of an amount equal to
13 the difference between the benefits that should have been paid
14 and those actually paid.

15 If the benefit was mistakenly set too high, the System may
16 recover the amount overpaid from the recipient thereof, either
17 directly or by deducting such amount from the remaining
18 benefits payable to the recipient. However, if (1) the amount
19 of the benefit was mistakenly set too high, and (2) the error
20 was undiscovered for 3 years or longer, and (3) the error was
21 not the result of incorrect information supplied by the
22 affected member or beneficiary, then upon discovery of the
23 mistake the benefit shall be adjusted to the correct level, but
24 the recipient of the benefit need not repay to the System the
25 excess amounts received in error.

1 (40 ILCS 5/2-163 new)

2 Sec. 2-163. Termination of trust or discontinuance of
3 contributions. Upon termination of the trust or upon the
4 complete discontinuance of contributions to the trust, the
5 rights of all employees to benefits accrued to the date of such
6 termination or discontinuance, to the extent then funded, or
7 the amounts credited to the employees' accounts are
8 nonforfeitable.

9 (40 ILCS 5/14-103.19) (from Ch. 108 1/2, par. 14-103.19)

10 Sec. 14-103.19. Actuarial tables. "Actuarial tables":
11 Tables of mathematical functions derived from mortality,
12 disability and turn-over rates, combined with interest
13 discount factors as adopted by the board on recommendation of
14 the actuary.

15 The adopted actuarial tables shall be used to determine the
16 amount of all benefits under this Article, including any
17 optional forms of benefits. Optional forms of benefits must be
18 the actuarial equivalent of the normal benefit payable under
19 this Article.

20 (Source: P.A. 80-841.)

21 (40 ILCS 5/14-148.1 new)

22 Sec. 14-148.1. Mistake in benefit. If the System mistakenly
23 sets any benefit at an incorrect amount, it shall recalculate

1 the benefit as soon as may be practicable after the mistake is
2 discovered.

3 If the benefit was mistakenly set too low, the System shall
4 make a lump sum payment to the recipient of an amount equal to
5 the difference between the benefits that should have been paid
6 and those actually paid.

7 If the benefit was mistakenly set too high, the System may
8 recover the amount overpaid from the recipient thereof, either
9 directly or by deducting such amount from the remaining
10 benefits payable to the recipient. However, if (1) the amount
11 of the benefit was mistakenly set too high, and (2) the error
12 was undiscovered for 3 years or longer, and (3) the error was
13 not the result of incorrect information supplied by the
14 affected member or beneficiary, then upon discovery of the
15 mistake the benefit shall be adjusted to the correct level, but
16 the recipient of the benefit need not repay to the System the
17 excess amounts received in error.

18 (40 ILCS 5/14-153.3 new)

19 Sec. 14-153.3. Termination of trust or discontinuance of
20 contributions. Upon termination of the trust or upon the
21 complete discontinuance of contributions to the trust, the
22 rights of all employees to benefits accrued to the date of such
23 termination or discontinuance, to the extent then funded, or
24 the amounts credited to the employees' accounts are
25 nonforfeitable.

1 (40 ILCS 5/18-116) (from Ch. 108 1/2, par. 18-116)

2 Sec. 18-116. Actuarial tables.

3 "Actuarial tables": Such tabular listings of assumed rates
4 of death, disability, retirement and withdrawal from service
5 and mathematical functions derived from such rates combined
6 with an assumed rate of interest, based upon the experience of
7 the system, as adopted by the board upon recommendation by the
8 actuary.

9 The adopted actuarial tables shall be used to determine the
10 amount of all benefits under this Article, including any
11 optional forms of benefits. Optional forms of benefits must be
12 the actuarial equivalent of the normal benefit payable under
13 this Article.

14 (Source: Laws 1963, p. 161.)

15 (40 ILCS 5/18-162.1 new)

16 Sec. 18-162.1. Mistake in benefit. If the System mistakenly
17 sets any benefit at an incorrect amount, it shall recalculate
18 the benefit as soon as may be practicable after the mistake is
19 discovered.

20 If the benefit was mistakenly set too low, the System shall
21 make a lump sum payment to the recipient of an amount equal to
22 the difference between the benefits that should have been paid
23 and those actually paid.

24 If the benefit was mistakenly set too high, the System may

1 recover the amount overpaid from the recipient thereof, either
2 directly or by deducting such amount from the remaining
3 benefits payable to the recipient. However, if (1) the amount
4 of the benefit was mistakenly set too high, and (2) the error
5 was undiscovered for 3 years or longer, and (3) the error was
6 not the result of incorrect information supplied by the
7 affected member or beneficiary, then upon discovery of the
8 mistake the benefit shall be adjusted to the correct level, but
9 the recipient of the benefit need not repay to the System the
10 excess amounts received in error.

11 (40 ILCS 5/18-170 new)

12 Sec. 18-170. Termination of trust or discontinuance of
13 contributions. Upon termination of the trust or upon the
14 complete discontinuance of contributions to the trust, the
15 rights of all employees to benefits accrued to the date of such
16 termination or discontinuance, to the extent then funded, or
17 the amounts credited to the employees' accounts are
18 nonforfeitable.

19 (40 ILCS 5/21-105.1) (from Ch. 108 1/2, par. 21-105.1)

20 Sec. 21-105.1. Election of optional medicare coverage. The
21 State or any political subdivision or noncorporate public
22 entity may elect to provide optional medicare coverage for its
23 personnel in the same manner and subject to the same conditions
24 as are set forth in Sections 21-103, 21-104 and 21-105 for the

1 election of Social Security coverage, including a retirement
2 system established under Article 3, 4, 5, or 6 of this Code,
3 notwithstanding the provisions contained in Section 21-105 of
4 this Article.

5 (Source: P.A. 84-1472.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".