



Sen. John G. Mulroe

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1 AMENDMENT TO SENATE BILL 2817

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2817 as follows:

3 on page 1, by replacing line 5 with "Sections 9-158, 9-166, and  
4 9-179.2 and by adding Sections 9-108.3 and 9-241 as follows:";  
5 and

6 on page 1, immediately below line 9, by inserting the  
7 following:

8 "(40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

9 Sec. 9-158. Proof of disability, duty and ordinary. Proof  
10 of duty or ordinary disability shall be furnished to the board  
11 by at least one licensed and practicing physician appointed by  
12 the board, except that this requirement may be waived by the  
13 board for proof of duty disability if the employee has been  
14 compensated by the county for such disability or specific loss  
15 under the Workers' Compensation Act or Workers' Occupational

1 Diseases Act. The physician requirement may also be waived by  
2 the board for ordinary disability maternity claims of up to 8  
3 weeks. With respect to duty disability, satisfactory proof must  
4 be provided to the board that the final adjudication of the  
5 claim required under subsection (d) of Section 9-159  
6 established that the disability or death resulted from an  
7 injury incurred in the performance of an act or acts of duty.  
8 The board may require other evidence of disability. Each  
9 disabled employee who receives duty or ordinary disability  
10 benefit shall be examined at least once a year by one or more  
11 licensed and practicing physicians appointed by the board. When  
12 the disability ceases, the board shall discontinue payment of  
13 the benefit ~~and the employee shall be returned to active~~  
14 ~~service.~~

15 (Source: P.A. 95-1036, eff. 2-17-09.)

16 (40 ILCS 5/9-166) (from Ch. 108 1/2, par. 9-166)

17 Sec. 9-166. Refunds - When paid to beneficiary, children or  
18 estate. Whenever the total amount accumulated to the account of  
19 a deceased employee from employee contributions for annuity  
20 purposes, and from employee contributions applied to any county  
21 pension fund superseded by this fund, have not been paid to  
22 him, and in the case of a married male employee to the employee  
23 and his widow together, in form of annuity or refund before the  
24 death of the last of such persons, a refund shall be payable as  
25 follows:

1           An amount equal to the excess of such amounts over the  
2 amounts paid on any annuity or annuities or refund, without  
3 interest upon either of such amounts, shall be refunded to a  
4 beneficiary theretofore designated by the employee in writing,  
5 signed by him ~~before an officer authorized to administer oaths,~~  
6 and filed with the board before the employee's death.

7           If there is no designated beneficiary or the beneficiary  
8 does not survive the employee, the amount shall be refunded to  
9 the employee's children, in equal parts with the children of a  
10 deceased child taking the share of their parent. If there is no  
11 designated beneficiary or children, the refund shall be paid to  
12 the administrator or executor of the employee's estate.

13           If an administrator or executor of the estate has not been  
14 appointed within 90 days from the date the refund became  
15 payable the refund may be applied in the discretion of the  
16 board toward the payment of the employee's burial expenses. Any  
17 remaining balance shall be paid to the heirs of the employee  
18 according to the law of descent and distribution of this state  
19 but assuming for the purpose of such payment of refund and  
20 determination of heirs that the deceased male employee left no  
21 widow surviving in those cases where a widow eligible for  
22 widow's annuity as his widow survived him and subsequently  
23 died; provided,

24           (a) that if any child or children of the employee are  
25 less than age 18, such part or all of any such amount  
26 necessary to pay annuities to them shall not be refunded as

1           hereinbefore stated; and provided further,

2                   (b) that if a reversionary annuity becomes payable as  
3           provided in Section 9-135 such refund shall not be paid  
4           until the death of the reversionary annuitant, and the  
5           refund otherwise payable under this section shall then  
6           first further be reduced by the total amount of the  
7           reversionary annuity paid.

8           (Source: P.A. 95-369, eff. 8-23-07.)"; and

9           on page 2, immediately below line 17, by inserting the  
10          following:

11                   "(40 ILCS 5/9-241 new)

12                   Sec. 9-241. Mistake in benefit. If the Fund mistakenly sets  
13                   any benefit at an incorrect amount, it shall recalculate the  
14                   benefit as soon as may be practicable after the mistake is  
15                   discovered.

16                   If the benefit was mistakenly set too low, the Fund shall  
17                   make a lump sum payment to the recipient of an amount equal to  
18                   the difference between the benefits that should have been paid  
19                   and those actually paid, without interest.

20                   If the benefit was mistakenly set too high, the Fund may  
21                   recover the amount overpaid from the recipient thereof, either  
22                   directly or by deducting such amount from the remaining  
23                   benefits payable to the recipient, without interest. If the  
24                   overpayment is recovered by deductions from the remaining

1 benefits payable to the recipient, the monthly deduction shall  
2 not exceed 10% of the corrected monthly benefit unless  
3 otherwise indicated by the recipient. However, if (1) the  
4 amount of the benefit was mistakenly set too high, and (2) the  
5 error was undiscovered for 3 years or longer, and (3) the error  
6 was not the result of incorrect information supplied by the  
7 employer, the affected participant, or any beneficiary, then  
8 upon discovery of the mistake the benefit shall be adjusted to  
9 the correct level, but the recipient of the benefit need not  
10 repay to the Fund the excess amounts received in error.

11 This Section applies to all mistakes in benefit  
12 calculations that occur before, on, or after the effective date  
13 of this amendatory Act of the 99th General Assembly."