

SB1980



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1980

Introduced 2/26/2021, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-115

from Ch. 108 1/2, par. 1-115

30 ILCS 805/8.45 new

Amends the General Provisions Article of the Illinois Pension Code. Provides that in any action by a participant or beneficiary arising under the Code or Article XIII, Section 5 of the Illinois Constitution in which there is at issue the payment of benefits due to a participant or beneficiary, the court, in its discretion, may allow either party to recover reasonable attorney's fees and the costs of the action. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB102 13189 RPS 18533 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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
5 changing Section 1-115 as follows:

6 (40 ILCS 5/1-115) (from Ch. 108 1/2, par. 1-115)

7 Sec. 1-115. Civil enforcement; attorney's fees.

8 (a) A civil action may be brought by the Attorney General
9 or by a participant, beneficiary or fiduciary in order to:

10 (1) obtain ~~(a) Obtain~~ appropriate relief under Section
11 1-114 of this Code;

12 (2) enjoin ~~(b) Enjoin~~ any act or practice which
13 violates any provision of this Code; or

14 (3) obtain ~~(c) Obtain~~ other appropriate equitable
15 relief to redress any such violation or to enforce any
16 such provision.

17 Notwithstanding any other provision of the Administrative
18 Review Law or this Code to the contrary, a civil action may be
19 brought by the Attorney General to enjoin the payment of
20 benefits under this Code to any person who is convicted of any
21 felony relating to or arising out of or in connection with that
22 person's service as an employee under this Code.

23 (b) In any action by a participant or beneficiary arising

1 under this Code or Article XIII, Section 5 of the Illinois
2 Constitution in which there is at issue the payment of
3 benefits due to a participant or beneficiary, the court, in
4 its discretion, may allow either party to recover reasonable
5 attorney's fees and the costs of the action.

6 (Source: P.A. 98-1137, eff. 6-1-15.)

7 Section 90. The State Mandates Act is amended by adding
8 Section 8.45 as follows:

9 (30 ILCS 805/8.45 new)

10 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
11 8 of this Act, no reimbursement by the State is required for
12 the implementation of any mandate created by this amendatory
13 Act of the 102nd General Assembly.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.