



Sen. Chapin Rose

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10300SB1115sam001

LRB103 05946 RPS 59315 a

1 AMENDMENT TO SENATE BILL 1115

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1115 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 15-150, 15-153, 15-153.2, and 15-198 as  
6 follows:

7 (40 ILCS 5/15-150) (from Ch. 108 1/2, par. 15-150)

8 Sec. 15-150. Disability benefits; eligibility benefits—

9 ~~Eligibility~~. A participant may be granted a disability benefit

10 if: (1) while a participating employee, he or she becomes

11 physically or mentally incapacitated and unable to perform the

12 duties of his or her assigned position for any period

13 exceeding 60 days; and (2) the employee had completed 2 years

14 of service at the time of disability, unless the disability is

15 a result of an accident or the employee is a police officer who

16 qualifies for the calculation under subsection (b) of Section

1 15-153.

2 An employee shall be considered disabled only during the  
3 period for which the board determines, based upon the evidence  
4 listed below, that the employee is unable to reasonably  
5 perform the duties of his or her assigned position as a result  
6 of a physical or mental disability. This determination shall  
7 be based upon:

8 (i) a written certificate from one or more licensed  
9 and practicing physicians appointed by or acceptable to  
10 the board, stating that the employee is disabled and  
11 unable to reasonably perform the duties of his or her  
12 assigned position;

13 (ii) a written certificate from the employer stating  
14 that the employee is unable to perform the duties of his or  
15 her assigned position and, if the employee is a police  
16 officer, the employer's position on whether the disability  
17 qualifies as a line of duty disability; and

18 (iii) any other medical examinations, hospital  
19 records, laboratory results, or other information  
20 necessary for determining the employment capacity and  
21 condition of the employee; and

22 (iv) if the employee is a police officer applying for  
23 a line of duty disability, a written certification from  
24 one or more licensed and practicing physicians appointed  
25 by or acceptable to the board, stating that the disability  
26 qualifies as a line of duty disability under subsection

1           (b) of Section 15-153.

2           The board shall prescribe rules governing the filing,  
3 investigation, control, and supervision of disability claims.  
4 Costs incurred by a claimant in connection with completing a  
5 claim for disability benefits shall be paid (A) by the  
6 claimant, in the case of the one required medical examination,  
7 medical certificate, and employer's certificate and any other  
8 requirements generally imposed by the board on all disability  
9 benefit claimants; and (B) by the System, in the case of any  
10 additional medical examination or other additional requirement  
11 imposed on a particular claimant that is not imposed generally  
12 on all disability benefit claimants.

13           Pregnancy and childbirth shall be considered a disability.

14           The same application shall be used to determine  
15 eligibility for the calculation of disability benefits under  
16 subsection (a) or subsection (b) of Section 15-153.

17           (Source: P.A. 90-766, eff. 8-14-98.)

18           (40 ILCS 5/15-153) (from Ch. 108 1/2, par. 15-153)

19           Sec. 15-153. Disability benefits; amount ~~benefits~~  
20 ~~Amount.~~

21           (a) Except as provided in subsection (b), the ~~The~~  
22 disability benefit shall be the greater of (1) 50% of the basic  
23 compensation which would have been paid had the participant  
24 continued in service for the entire period during which  
25 disability benefits are payable, excluding wage or salary

1 increases subsequent to the date of disability or extra  
2 prospective earnings on a summer teaching contract or other  
3 extra service not yet entered upon or (2) 50% of the  
4 participant's average earnings during the 24 months  
5 immediately preceding the month in which disability occurs. In  
6 determining the disability benefit, the basic compensation of  
7 a participating employee on leave of absence or on lay-off  
8 status shall be assumed to be equal to his or her basic  
9 compensation on the date the leave of absence or lay-off  
10 begins.

11 (b) In lieu of the amount of the disability benefit  
12 otherwise provided for in subsection (a) of this Section, for  
13 a participant who is employed as a police officer and who  
14 incurs a line of duty disability, the disability benefit under  
15 this Section shall be the greater of: (1) 65% of the basic  
16 compensation that would have been paid had the participant  
17 continued in employment for the entire period during which  
18 disability benefits are payable, excluding wage or salary  
19 increases subsequent to the date of disability; or (2) 65% of  
20 the participant's average earnings during the 24 months  
21 immediately preceding the month in which disability occurs. In  
22 determining the disability benefit, the basic compensation of  
23 a participating employee on leave of absence or on lay-off  
24 status shall be assumed to be equal to his or her basic  
25 compensation on the date the leave of absence or lay-off  
26 begins.

1       Any police officer who suffers a heart attack or stroke as  
2 a result of the performance and discharge of police duty shall  
3 be considered to have been injured in the performance of an act  
4 of duty and shall be eligible for the calculation of benefits  
5 provided for under this subsection (b).

6       A police officer shall be considered to be in the  
7 performance of an act of duty while on any assignment approved  
8 by the police officer's chief, whether the assignment is on or  
9 off the employer's property.

10       The changes made to this Section shall apply to  
11 participants whose line of duty disability occurred on or  
12 after January 1, 2022.

13       For the purposes of this Section, "line of duty  
14 disability" means that, as the result of sickness, accident,  
15 or injury incurred in or resulting from the performance of an  
16 act of duty, the police officer is found to be physically or  
17 mentally disabled for employment as a police officer so as to  
18 render necessary his or her suspension or retirement from  
19 employment as a police officer or is found to be unable to  
20 perform his or her duties as a police officer by reason of  
21 heart disease, stroke, tuberculosis, or any disease of the  
22 lungs or respiratory tract, resulting from employment as a  
23 police officer.

24       If the disability benefit is 50% of basic compensation  
25 under subsection (a) or 65% of basic compensation under  
26 subsection (b), payments during the academic year shall accrue

1 over the period that the basic compensation would have been  
2 paid had the participant continued in service. If the  
3 disability benefit is 50% under subsection (a) or 65% under  
4 subsection (b) of the average earnings of the participant  
5 during the 24 months immediately preceding the month in which  
6 disability occurs, payments during the year shall accrue over  
7 a period of 12 months. Disability benefits shall be paid as of  
8 the end of each calendar month during which payments accrue.  
9 Payments for fractional parts of a month shall be determined  
10 by prorating the total amount payable for the full month on the  
11 basis of days elapsing during the month. Any disability  
12 benefit accrued but unpaid on the death of a participant shall  
13 be paid to the participant's beneficiary.

14 (Source: P.A. 93-347, eff. 7-24-03.)

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

16 Sec. 15-153.2. Disability retirement annuity.

17 (a) This subsection (a) applies to a participant receiving  
18 benefits calculated under subsection (a) of Section 15-153. 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  
23 annuity of 35% of the basic compensation which was payable to  
24 the participant at the time that disability began, provided  
25 that the board determines that the participant has a medically

1 determinable physical or mental impairment that prevents him  
2 or 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 (b) This subsection (b) applies to a participant receiving  
7 benefits calculated under subsection (b) of Section 15-153. A  
8 participant whose disability benefits are discontinued under  
9 clause (6) of Section 15-152 and who is not a participant in  
10 the optional retirement plan established under Section  
11 15-158.2 is entitled to a disability retirement annuity of 65%  
12 of the basic compensation that was payable to the participant  
13 at the time that disability began, provided that the board  
14 determines that the participant has a medically determinable  
15 physical or mental impairment that prevents him or her from  
16 engaging in any substantial gainful activity and can be  
17 expected to result in death or has lasted or can be expected to  
18 last for a continuous period of not less than 12 months.

19 (c) The board's determination of whether a participant is  
20 disabled shall be based upon:

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

25 (ii) any other medical examinations, hospital records,  
26 laboratory results, or other information necessary for

1 determining the employment capacity and condition of the  
2 participant.

3 The terms "medically determinable physical or mental  
4 impairment" and "substantial gainful activity" shall have the  
5 meanings ascribed to them in the federal Social Security Act,  
6 as now or hereafter amended, and the regulations issued  
7 thereunder.

8 (d) The disability retirement annuity payment period shall  
9 begin immediately following the expiration of the disability  
10 benefit payments under clause (6) of Section 15-152 and shall  
11 be discontinued for a recipient of a disability retirement  
12 annuity when (1) the physical or mental impairment no longer  
13 prevents the recipient from engaging in any substantial  
14 gainful activity, (2) the recipient dies, (3) the recipient  
15 elects to receive a retirement annuity under Sections 15-135  
16 and 15-136, (4) the recipient refuses to submit to a  
17 reasonable physical examination by a physician approved by the  
18 board, or (5) the recipient fails to provide an earnings  
19 verification necessary to determine continuance of benefits.  
20 If a person's disability retirement annuity is discontinued  
21 under clause (1), all rights and credits accrued in the system  
22 on the date that the disability retirement annuity began shall  
23 be restored, and the disability retirement annuity paid shall  
24 be considered as disability payments under clause (6) of  
25 Section 15-152.

26 (e) The board shall adopt rules governing the filing,



1 investigation, control, and supervision of disability  
2 retirement annuity claims. Costs incurred by a claimant in  
3 connection with completing a claim for a disability retirement  
4 annuity shall be paid: (A) by the claimant in the case of the  
5 one required medical examination, medical certificate, and any  
6 other requirements generally imposed by the board on all  
7 disability retirement annuity claimants; and (B) by the System  
8 in the case of any additional medical examination or other  
9 additional requirement imposed on a particular claimant that  
10 is not imposed generally on all disability retirement annuity  
11 claimants.

12 (Source: P.A. 100-556, eff. 12-8-17.)

13 (40 ILCS 5/15-198)

14 Sec. 15-198. Application and expiration of new benefit  
15 increases.

16 (a) As used in this Section, "new benefit increase" means  
17 an increase in the amount of any benefit provided under this  
18 Article, or an expansion of the conditions of eligibility for  
19 any benefit under this Article, that results from an amendment  
20 to this Code that takes effect after June 1, 2005 (the  
21 effective date of Public Act 94-4). "New benefit increase",  
22 however, does not include any benefit increase resulting from  
23 the changes made to Article 1 or this Article by Public Act  
24 100-23, Public Act 100-587, Public Act 100-769, Public Act  
25 101-10, Public Act 101-610, Public Act 102-16, or this

1 amendatory Act of the 103rd General Assembly ~~this amendatory~~  
2 ~~Act of the 102nd General Assembly.~~

3 (b) Notwithstanding any other provision of this Code or  
4 any subsequent amendment to this Code, every new benefit  
5 increase is subject to this Section and shall be deemed to be  
6 granted only in conformance with and contingent upon  
7 compliance with the provisions of this Section.

8 (c) The Public Act enacting a new benefit increase must  
9 identify and provide for payment to the System of additional  
10 funding at least sufficient to fund the resulting annual  
11 increase in cost to the System as it accrues.

12 Every new benefit increase is contingent upon the General  
13 Assembly providing the additional funding required under this  
14 subsection. The Commission on Government Forecasting and  
15 Accountability shall analyze whether adequate additional  
16 funding has been provided for the new benefit increase and  
17 shall report its analysis to the Public Pension Division of  
18 the Department of Insurance. A new benefit increase created by  
19 a Public Act that does not include the additional funding  
20 required under this subsection is null and void. If the Public  
21 Pension Division determines that the additional funding  
22 provided for a new benefit increase under this subsection is  
23 or has become inadequate, it may so certify to the Governor and  
24 the State Comptroller and, in the absence of corrective action  
25 by the General Assembly, the new benefit increase shall expire  
26 at the end of the fiscal year in which the certification is

1 made.

2 (d) Every new benefit increase shall expire 5 years after  
3 its effective date or on such earlier date as may be specified  
4 in the language enacting the new benefit increase or provided  
5 under subsection (c). This does not prevent the General  
6 Assembly from extending or re-creating a new benefit increase  
7 by law.

8 (e) Except as otherwise provided in the language creating  
9 the new benefit increase, a new benefit increase that expires  
10 under this Section continues to apply to persons who applied  
11 and qualified for the affected benefit while the new benefit  
12 increase was in effect and to the affected beneficiaries and  
13 alternate payees of such persons, but does not apply to any  
14 other person, including, without limitation, a person who  
15 continues in service after the expiration date and did not  
16 apply and qualify for the affected benefit while the new  
17 benefit increase was in effect.

18 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;  
19 101-610, eff. 1-1-20; 102-16, eff. 6-17-21.)

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