



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5393

Introduced 2/5/2010, by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-228

from Ch. 108 1/2, par. 5-228

30 ILCS 805/8.34 new

Amends the Chicago Police Article of the Illinois Pension Code. Provides that if any policeman whose application for either a duty disability benefit or an occupational disease disability benefit has been denied by the Retirement Board brings an action for administrative review challenging the denial of disability benefits and the policeman prevails in the action in administrative review, then the prevailing policeman shall be entitled to recover from the Fund court costs and litigation expenses, including reasonable attorney's fees, as part of the costs of the action. Effective immediately.

LRB096 18688 AMC 34072 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 changing  
5 Section 5-228 as follows:

6 (40 ILCS 5/5-228) (from Ch. 108 1/2, par. 5-228)

7 Sec. 5-228. Administrative review.

8 (a) The provisions of the Administrative Review Law, and  
9 all amendments and modifications thereof and the rules adopted  
10 pursuant thereto, shall apply to and govern all proceedings for  
11 the judicial review of final administrative decisions of the  
12 retirement board provided for under this Article. The term  
13 "administrative decision" is as defined in Section 3-101 of the  
14 Code of Civil Procedure.

15 (b) If any policeman whose application for either a duty  
16 disability benefit under Section 5-154 or for an occupational  
17 disease disability benefit under Section 5-154.1 has been  
18 denied by the Retirement Board brings an action for  
19 administrative review challenging the denial of disability  
20 benefits and the policeman prevails in the action in  
21 administrative review, then the prevailing policeman shall be  
22 entitled to recover from the Fund court costs and litigation  
23 expenses, including reasonable attorney's fees, as part of the

1 costs of the action.

2 (Source: P.A. 82-783.)

3 Section 90. The State Mandates Act is amended by adding  
4 Section 8.34 as follows:

5 (30 ILCS 805/8.34 new)

6 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
7 of this Act, no reimbursement by the State is required for the  
8 implementation of any mandate created by this amendatory Act of  
9 the 96th General Assembly.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.