

1 AN ACT in relation to 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 5-157 as follows:

6 (40 ILCS 5/5-157) (from Ch. 108 1/2, par. 5-157)

7 Sec. 5-157. Administration of disability benefits.

8 (a) If a policeman who is granted duty or ordinary  
9 disability benefit refuses to submit to examination by a  
10 physician appointed by the board, he shall have no further  
11 right to receive the benefit.

12 (b) A policeman who has withdrawn from service while  
13 disabled and entered upon annuity prior to the effective  
14 date, and who has thereafter been reinstated as a policeman,  
15 shall have no right to ordinary disability benefit in excess  
16 of the amount previously received unless he serves at least  
17 one year after such reinstatement. This provision shall  
18 apply throughout the duration of any disability incurred by  
19 the policeman within one year after his reinstatement  
20 resulting from any cause other than injury incurred in the  
21 performance of an act of duty.

22 (c) Until January 1, 2001, a policeman who assumes  
23 regular employment for compensation, while in receipt of  
24 ordinary or duty disability benefits, shall not be entitled  
25 to receive any amount of such disability benefits which, when  
26 added to his compensation for such employment during  
27 disability, would exceed 150% of the rate of salary which  
28 would be paid to him if he were working in his regularly  
29 appointed civil service position as a policeman. The changes  
30 made to this Section by Public ~~this~~-amendatory Act 90-766 of  
31 1998 are not limited to persons in service on or after the

1 effective date of that this-amendatory Act.

2 Beginning January 1, 2001, the reduction of disability  
3 benefits due to compensation for employment previously  
4 imposed under this subsection (c) no longer applies to any  
5 person receiving a disability benefit under this Article,  
6 without regard to whether the person is in service on or  
7 after the effective date of this amendatory Act of the 92nd  
8 General Assembly. The removal of this limitation by this  
9 amendatory Act is not retroactive and does not entitle any  
10 person to the restoration of amounts previously reduced or  
11 withheld under this subsection.

12 (d) Disability benefit shall not be paid for any part of  
13 time for which a disabled policeman shall receive any part of  
14 his salary.

15 (e) Except as herein otherwise provided, disability  
16 benefit shall not be paid for any disability based upon or  
17 caused by any mental or physical defect which the policeman  
18 had at the time he entered the police service.

19 (f) Disability benefit shall not be allowed to any  
20 policeman who re-enters the public service in any capacity  
21 where his salary is payable in whole or in part by taxes  
22 levied upon taxable property in the city in which this  
23 Article is in effect, or out of special revenues of any  
24 department of the city. The disability benefit shall be  
25 suspended during the period he is in the public service for  
26 compensation, and shall be resumed when he withdraws from  
27 such service.

28 (g) Any disability benefit paid in violation of this  
29 Section or of this Article shall be construed to have been  
30 paid in error, and the amounts so paid shall be charged as a  
31 debit in the account of any person to whom the same was paid  
32 and shall be deducted from any moneys thereafter payable to  
33 such person out of this fund, or to the widow, heirs or  
34 estate of such person.

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

2 Section 90. The State Mandates Act is amended by adding  
3 Section 8.25 as follows:

4 (30 ILCS 805/8.25 new)

5 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
6 and 8 of this Act, no reimbursement by the State is required  
7 for the implementation of any mandate created by this  
8 amendatory Act of the 92nd General Assembly.

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