

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12 (b) A policeman who has withdrawn from service while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.