



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/04/04, by Kevin Joyce

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-149  
40 ILCS 5/7-153

from Ch. 108 1/2, par. 7-149  
from Ch. 108 1/2, par. 7-153

Amends the IMRF Article of the Illinois Pension Code. Provides that if a physician or physicians appointed by the Board file a written finding with the Board that a participating employee is terminally ill, the participating employee shall no longer be required to submit to periodic checks to show proof that he or she remains disabled. Effective immediately.

LRB093 16092 LRD 41718 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 Sections 7-149 and 7-153 as follows:

6 (40 ILCS 5/7-149) (from Ch. 108 1/2, par. 7-149)

7 Sec. 7-149. Temporary disability benefits-Periodic checks.

8 (a) The Board shall conduct periodic checks to determine if  
9 any participating employee is disabled. Such checks may consist  
10 of periodic examinations by a physician or physicians appointed  
11 by the Board, requiring the employee to submit evidence of  
12 continuing disability and such other investigations as the  
13 Board may deem appropriate. The following shall constitute  
14 prima-facie evidence of termination of temporary disability:

15 (1) (a) A written report by a physician appointed by  
16 the Board stating that the temporary disability has ceased;

17 (2) (b) The earning of compensation by the employee  
18 from any source for personal services, in excess of 25% of  
19 the monthly rate of earnings upon which his disability  
20 benefits are based.

21 (b) If a physician or physicians appointed by the Board  
22 file a written finding with the Board that a participating  
23 employee is terminally ill, the participating employee shall no  
24 longer be required to submit to periodic checks under  
25 subsection (a).

26 (Source: Laws 1965, p. 1086.)

27 (40 ILCS 5/7-153) (from Ch. 108 1/2, par. 7-153)

28 Sec. 7-153. Total and permanent disability benefits;  
29 periodic checks.

30 (a) The board shall conduct periodic checks to determine if  
31 participating employees who are drawing a total permanent

1 disability benefit remain totally and permanently disabled.  
2 Such checks may consist of periodic examination by a physician  
3 or physicians appointed by the board, requiring the employee to  
4 submit evidence of continuing disability or absence of gainful  
5 employment and such other investigations as the board may deem  
6 appropriate. A written report by a physician appointed by the  
7 board stating that the employee is no longer totally and  
8 permanently disabled shall constitute prima-facie evidence of  
9 termination of total and permanent disability, except as  
10 provided in subsection (f) of Section 7-152.

11 (b) If a physician or physicians appointed by the Board  
12 file a written finding with the Board that a participating  
13 employee is terminally ill, the participating employee shall no  
14 longer be required to submit to periodic checks under  
15 subsection (a).

16 (Source: P.A. 87-740.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.