



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3320

Introduced 2/24/2011, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-228

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

30 ILCS 805/8.35 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.

LRB097 08638 JDS 48767 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 8.35 as follows:

5 (30 ILCS 805/8.35 new)

6 Sec. 8.35. 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 97th General Assembly.

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