



# ISSUE BRIEF

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## **Senate Bill 1980:** Attorney's Fees

**IMRF Position:**  
**OPPOSE**

**Sponsor:**  
**Senator Fine**

## Proposed Change in the Law

Allows courts to award reasonable attorney's fees and costs in actions where the payment of benefits to a member or beneficiary is brought under the Illinois Pension Code or Pension Protection Clause of the Illinois Constitution. The provisions of the bill apply to all Illinois public pension funds.

## Reasons for Position

It is unclear exactly to which lawsuits this provision applies. The Administrative Review Law is clear that attorney's fees do not apply in these cases. Cases brought under the Pension Code through the Administrative Review Law are no different than a claim brought by a taxpayer against the Department of Revenue or a benefit recipient against the Department of Children and Family Services. Including these types of actions in this bill would go against a basic principle when that law was originally drafted and would open the door to changing the basic way in which this statute has been written and applied. These are also issues of fact and a court's ruling against the pension fund isn't necessarily a determination of right/wrong, but rather differing interpretations of the facts of the case at hand.

By requiring the pension funds to shoulder the financial burden of bringing actions to overturn unconstitutional legislation passed by the General Assembly, the funds (and thus our members and employers) are being required to bankroll the General Assembly. The pension funds do not, in fact, have any special authority (whether official or unofficial) to intervene on legislation and are often not informed of changes to bills before they are introduced and discussed in committee.

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