



Rep. C.D. Davidsmeyer

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LRB100 07925 RPS 26640 a

1 AMENDMENT TO HOUSE BILL 751

2 AMENDMENT NO. _____. Amend House Bill 751 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 16-150.1 and 16-203 as follows:

6 (40 ILCS 5/16-150.1)

7 Sec. 16-150.1. Return to teaching in subject shortage area.

8 (a) As used in this Section, "eligible employment" means
9 employment beginning on or after July 1, 2003 and ending no
10 later than June 30, 2019 ~~2013~~, in a subject shortage area at a
11 qualified school, in a position requiring certification under
12 the law governing the certification of teachers.

13 As used in this Section, "qualified school" means a public
14 elementary or secondary school that meets all of the following
15 requirements:

16 (1) At the time of hiring a retired teacher under this

1 Section, the school is experiencing a shortage of teachers
2 in the subject shortage area for which the teacher is
3 hired.

4 (2) The school district to which the school belongs has
5 complied with the requirements of subsection (e), and the
6 regional superintendent has certified that compliance to
7 the System.

8 (3) If the school district to which the school belongs
9 provides group health benefits for its teachers generally,
10 substantially similar health benefits are made available
11 for teachers participating in the program under this
12 Section, without any limitations based on pre-existing
13 conditions.

14 (b) An annuitant receiving a retirement annuity under this
15 Article (other than a disability retirement annuity) may engage
16 in eligible employment at a qualified school without impairing
17 his or her retirement status or retirement annuity, subject to
18 the following conditions:

19 (1) the eligible employment does not begin within the
20 school year during which service was terminated;

21 (2) the annuitant has not received any early retirement
22 incentive under Section 16-133.3, 16-133.4, or 16-133.5;

23 (3) if the annuitant retired before age 60 and with
24 less than 34 years of service, the eligible employment does
25 not begin within the year following the effective date of
26 the retirement annuity;

1 (4) if the annuitant retired at age 60 or above or with
2 34 or more years of service, the eligible employment does
3 not begin within the 90 days following the effective date
4 of the retirement annuity; and

5 (5) before the eligible employment begins, the
6 employer notifies the System in writing of the annuitant's
7 desire to participate in the program established under this
8 Section.

9 (c) An annuitant engaged in eligible employment in
10 accordance with subsection (b) shall be deemed a participant in
11 the program established under this Section for so long as he or
12 she remains employed in eligible employment.

13 (d) A participant in the program established under this
14 Section continues to be a retirement annuitant, rather than an
15 active teacher, for all of the purposes of this Code, but shall
16 be deemed an active teacher for other purposes, such as
17 inclusion in a collective bargaining unit, eligibility for
18 group health benefits, and compliance with the laws governing
19 the employment, regulation, certification, treatment, and
20 conduct of teachers.

21 With respect to an annuitant's eligible employment under
22 this Section, neither employee nor employer contributions
23 shall be made to the System and no additional service credit
24 shall be earned. Eligible employment does not affect the
25 annuitant's final average salary or the amount of the
26 retirement annuity.

1 (e) Before hiring a teacher under this Section, the school
2 district to which the school belongs must do the following:

3 (1) If the school district to which the school belongs
4 has honorably dismissed, within the calendar year
5 preceding the beginning of the school term for which it
6 seeks to employ a retired teacher under the program
7 established in this Section, any teachers who are legally
8 qualified to hold positions in the subject shortage area
9 and have not yet begun to receive their retirement
10 annuities under this Article, the vacant positions must
11 first be tendered to those teachers.

12 (2) For a period of at least 90 days during the 6
13 months preceding the beginning of either the fall or spring
14 term for which it seeks to employ a retired teacher under
15 the program established in this Section, the school
16 district must, on an ongoing basis, both (i) advertise its
17 vacancies in the subject shortage area in a newspaper of
18 general circulation in the area in which the school is
19 located and in employment bulletins published by college
20 and university placement offices located near the school;
21 and (ii) search for teachers legally qualified to fill
22 those vacancies through the Illinois Education Job Bank.

23 The school district must submit documentation of its
24 compliance with this subsection to the regional
25 superintendent. Upon receiving satisfactory documentation from
26 the school district, the regional superintendent shall certify

1 the district's compliance with this subsection to the System.

2 (f) This Section applies without regard to whether the
3 annuitant was in service on or after the effective date of this
4 amendatory Act of the 93rd General Assembly.

5 (Source: P.A. 94-129, eff. 7-7-05; 95-910, eff. 8-26-08.)

6 (40 ILCS 5/16-203)

7 (Text of Section WITHOUT the changes made by P.A. 98-599,
8 which has been held unconstitutional)

9 Sec. 16-203. Application and expiration of new benefit
10 increases.

11 (a) As used in this Section, "new benefit increase" means
12 an increase in the amount of any benefit provided under this
13 Article, or an expansion of the conditions of eligibility for
14 any benefit under this Article, that results from an amendment
15 to this Code that takes effect after June 1, 2005 (the
16 effective date of Public Act 94-4). "New benefit increase",
17 however, does not include any benefit increase resulting from
18 the changes made to this Article by Public Act 95-910 or by
19 this amendatory Act of the 100th General Assembly ~~this~~
20 ~~amendatory Act of the 95th General Assembly.~~

21 (b) Notwithstanding any other provision of this Code or any
22 subsequent amendment to this Code, every new benefit increase
23 is subject to this Section and shall be deemed to be granted
24 only in conformance with and contingent upon compliance with
25 the provisions of this Section.

1 (c) The Public Act enacting a new benefit increase must
2 identify and provide for payment to the System of additional
3 funding at least sufficient to fund the resulting annual
4 increase in cost to the System as it accrues.

5 Every new benefit increase is contingent upon the General
6 Assembly providing the additional funding required under this
7 subsection. The Commission on Government Forecasting and
8 Accountability shall analyze whether adequate additional
9 funding has been provided for the new benefit increase and
10 shall report its analysis to the Public Pension Division of the
11 Department of Insurance ~~Financial and Professional Regulation~~.

12 A new benefit increase created by a Public Act that does not
13 include the additional funding required under this subsection
14 is null and void. If the Public Pension Division determines
15 that the additional funding provided for a new benefit increase
16 under this subsection is or has become inadequate, it may so
17 certify to the Governor and the State Comptroller and, in the
18 absence of corrective action by the General Assembly, the new
19 benefit increase shall expire at the end of the fiscal year in
20 which the certification is made.

21 (d) Every new benefit increase shall expire 5 years after
22 its effective date or on such earlier date as may be specified
23 in the language enacting the new benefit increase or provided
24 under subsection (c). This does not prevent the General
25 Assembly from extending or re-creating a new benefit increase
26 by law.

1 (e) Except as otherwise provided in the language creating
2 the new benefit increase, a new benefit increase that expires
3 under this Section continues to apply to persons who applied
4 and qualified for the affected benefit while the new benefit
5 increase was in effect and to the affected beneficiaries and
6 alternate payees of such persons, but does not apply to any
7 other person, including without limitation a person who
8 continues in service after the expiration date and did not
9 apply and qualify for the affected benefit while the new
10 benefit increase was in effect.

11 (Source: P.A. 94-4, eff. 6-1-05; 95-910, eff. 8-26-08.)

12 Section 90. The State Mandates Act is amended by adding
13 Section 8.41 as follows:

14 (30 ILCS 805/8.41 new)

15 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
16 of this Act, no reimbursement by the State is required for the
17 implementation of any mandate created by this amendatory Act of
18 the 100th General Assembly.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."