



Rep. Janet Yang Rohr

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10200HB5472ham002

LRB102 26096 RPS 36250 a

1 AMENDMENT TO HOUSE BILL 5472

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5472 by replacing  
3 line 2 on page 3 through line 17 on page 7 with the following:

4 "(40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)  
5 Sec. 17-149. Cancellation of pensions.

6 (a) If any person receiving a disability retirement  
7 pension from the Fund is re-employed as a teacher by an  
8 Employer, the pension shall be cancelled on the date the  
9 re-employment begins, or on the first day of a payroll period  
10 for which service credit was validated, whichever is earlier.

11 (b) If any person receiving a service retirement pension  
12 from the Fund is re-employed as a teacher on a permanent or  
13 annual basis by an Employer, the pension shall be cancelled on  
14 the date the re-employment begins, or on the first day of a  
15 payroll period for which service credit was validated,  
16 whichever is earlier. However, subject to the limitations and  
17 requirements of subsections ~~subsection~~ (c-5), (c-6), and

1 (c-7), the pension shall not be cancelled in the case of a  
2 service retirement pensioner who is re-employed on a temporary  
3 and non-annual basis or on an hourly basis.

4 (c) If the date of re-employment on a permanent or annual  
5 basis occurs within 5 school months after the date of previous  
6 retirement, exclusive of any vacation period, the member shall  
7 be deemed to have been out of service only temporarily and not  
8 permanently retired. Such person shall be entitled to pension  
9 payments for the time he could have been employed as a teacher  
10 and received salary, but shall not be entitled to pension for  
11 or during the summer vacation prior to his return to service.

12 When the member again retires on pension, the time of  
13 service and the money contributed by him during re-employment  
14 shall be added to the time and money previously credited. Such  
15 person must acquire 3 consecutive years of additional  
16 contributing service before he may retire again on a pension  
17 at a rate and under conditions other than those in force or  
18 attained at the time of his previous retirement.

19 (c-5) For school years beginning on or after July 1, 2019  
20 and before July 1, 2022, the service retirement pension shall  
21 not be cancelled in the case of a service retirement pensioner  
22 who is re-employed as a teacher on a temporary and non-annual  
23 basis or on an hourly basis, so long as the person (1) does not  
24 work as a teacher for compensation on more than 120 days in a  
25 school year or (2) does not accept gross compensation for the  
26 re-employment in a school year in excess of (i) \$30,000 or (ii)

1 in the case of a person who retires with at least 5 years of  
2 service as a principal, an amount that is equal to the daily  
3 rate normally paid to retired principals multiplied by 100.  
4 These limitations apply only to school years that begin on or  
5 after July 1, 2019 and before July 1, 2022. Such re-employment  
6 does not require contributions, result in service credit, or  
7 constitute active membership in the Fund.

8 The service retirement pension shall not be cancelled in  
9 the case of a service retirement pensioner who is re-employed  
10 as a teacher on a temporary and non-annual basis or on an  
11 hourly basis, so long as the person (1) does not work as a  
12 teacher for compensation on more than 100 days in a school year  
13 or (2) does not accept gross compensation for the  
14 re-employment in a school year in excess of (i) \$30,000 or (ii)  
15 in the case of a person who retires with at least 5 years of  
16 service as a principal, an amount that is equal to the daily  
17 rate normally paid to retired principals multiplied by 100.  
18 These limitations apply only to school years that begin on or  
19 after August 8, 2012 (the effective date of Public Act 97-912)  
20 and before July 1, 2019. Such re-employment does not require  
21 contributions, result in service credit, or constitute active  
22 membership in the Fund.

23 Notwithstanding the 120-day limit set forth in item (1) of  
24 this subsection (c-5), the service retirement pension shall  
25 not be cancelled in the case of a service retirement pensioner  
26 who teaches only driver education courses after regular school

1 hours and does not teach any other subject area, so long as the  
2 person does not work as a teacher for compensation for more  
3 than 900 hours in a school year. The \$30,000 limit set forth in  
4 subitem (i) of item (2) of this subsection (c-5) shall apply to  
5 a service retirement pensioner who teaches only driver  
6 education courses after regular school hours and does not  
7 teach any other subject area.

8 To be eligible for such re-employment without cancellation  
9 of pension, the pensioner must notify the Fund and the Board of  
10 Education of his or her intention to accept re-employment  
11 under this subsection (c-5) before beginning that  
12 re-employment (or if the re-employment began before the  
13 effective date of this amendatory Act, then within 30 days  
14 after that effective date).

15 An Employer must certify to the Fund the temporary and  
16 non-annual or hourly status and the compensation of each  
17 pensioner re-employed under this subsection at least  
18 quarterly, and when the pensioner is approaching the earnings  
19 limitation under this subsection.

20 If the pensioner works more than 100 days or accepts  
21 excess gross compensation for such re-employment in any school  
22 year that begins on or after August 8, 2012 (the effective date  
23 of Public Act 97-912), the service retirement pension shall  
24 thereupon be cancelled.

25 If the pensioner who only teaches drivers education  
26 courses after regular school hours works more than 900 hours

1 or accepts excess gross compensation for such re-employment in  
2 any school year that begins on or after the effective date of  
3 this amendatory Act of the 99th General Assembly, the service  
4 retirement pension shall thereupon be cancelled.

5 If the pensioner works more than 120 days or accepts  
6 excess gross compensation for such re-employment in any school  
7 year that begins on or after July 1, 2019, the service  
8 retirement pension shall thereupon be cancelled.

9 The Board of the Fund shall adopt rules for the  
10 implementation and administration of this subsection.

11 (c-6) For school years beginning on or after July 1, 2022  
12 and before July 1, 2024, the service retirement pension shall  
13 not be cancelled in the case of a service retirement pensioner  
14 who is re-employed as a teacher or an administrator on a  
15 temporary and non-annual basis or on an hourly basis, so long  
16 as the person does not work as a teacher or an administrator  
17 for compensation on more than 140 days in a school year. Such  
18 re-employment does not require contributions, result in  
19 service credit, or constitute active membership in the Fund.

20 (c-7) For school years beginning on or after July 1, 2024,  
21 the service retirement pension shall not be cancelled in the  
22 case of a service retirement pensioner who is re-employed as a  
23 teacher or an administrator on a temporary and non-annual  
24 basis or on an hourly basis, so long as the person does not  
25 work as a teacher or an administrator for compensation on more  
26 than 120 days in a school year. Such re-employment does not

1 require contributions, result in service credit, or constitute  
2 active membership in the Fund.

3 (d) Notwithstanding Sections 1-103.1 and 17-157, the  
4 changes to this Section made by Public Act 90-32 apply without  
5 regard to whether termination of service occurred before the  
6 effective date of that Act and apply retroactively to August  
7 23, 1989.

8 Notwithstanding Sections 1-103.1 and 17-157, the changes  
9 to this Section and Section 17-106 made by Public Act 92-599  
10 apply without regard to whether termination of service  
11 occurred before the effective date of that Act.

12 Notwithstanding Sections 1-103.1 and 17-157, the changes  
13 to this Section made by this amendatory Act of the 97th General  
14 Assembly apply without regard to whether termination of  
15 service occurred before the effective date of this amendatory  
16 Act.

17 (Source: P.A. 101-340, eff. 8-9-19.)".