



Rep. Lamont J. Robinson, Jr.

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10200HB5554ham001

LRB102 25993 RPS 35985 a

1 AMENDMENT TO HOUSE BILL 5554

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5554 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Section 17-149 as follows:

6 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

7 Sec. 17-149. Cancellation of pensions.

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

13 (b) If any person receiving a service retirement pension  
14 from the Fund is re-employed as a teacher on a permanent or  
15 annual basis by an Employer, the pension shall be cancelled on  
16 the date the re-employment begins, or on the first day of a

1 payroll period for which service credit was validated,  
2 whichever is earlier. However, subject to the limitations and  
3 requirements of subsections ~~subsection~~ (c-5), (c-6), and  
4 (c-7), the pension shall not be cancelled in the case of a  
5 service retirement pensioner who is re-employed on a temporary  
6 and non-annual basis or on an hourly basis.

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

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

22 (c-5) For school years beginning on or after July 1, 2019  
23 and before July 1, 2022, the service retirement pension shall  
24 not be cancelled in the case of a service retirement pensioner  
25 who is re-employed as a teacher on a temporary and non-annual  
26 basis or on an hourly basis, so long as the person (1) does not

1 work as a teacher for compensation on more than 120 days in a  
2 school year or (2) does not accept gross compensation for the  
3 re-employment in a school year in excess of (i) \$30,000 or (ii)  
4 in the case of a person who retires with at least 5 years of  
5 service as a principal, an amount that is equal to the daily  
6 rate normally paid to retired principals multiplied by 100.  
7 These limitations apply only to school years that begin on or  
8 after July 1, 2019 and before July 1, 2022. Such re-employment  
9 does not require contributions, result in service credit, or  
10 constitute active membership in the Fund.

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

26 Notwithstanding the 120-day limit set forth in item (1) of

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

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

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

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

1 thereupon be cancelled.

2 If the pensioner who only teaches drivers education  
3 courses after regular school hours works more than 900 hours  
4 or accepts excess gross compensation for such re-employment in  
5 any school year that begins on or after the effective date of  
6 this amendatory Act of the 99th General Assembly, the service  
7 retirement pension shall thereupon be cancelled.

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

12 The Board of the Fund shall adopt rules for the  
13 implementation and administration of this subsection.

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

23 (c-7) For school years beginning on or after July 1, 2024,  
24 the service retirement pension shall not be cancelled in the  
25 case of a service retirement pensioner who is re-employed as a  
26 teacher or an administrator on a temporary and non-annual

1 basis or on an hourly basis, so long as the person does not  
2 work as a teacher or an administrator for compensation on more  
3 than 120 days in a school year. Such re-employment does not  
4 require contributions, result in service credit, or constitute  
5 active membership in the Fund.

6 (d) Notwithstanding Sections 1-103.1 and 17-157, the  
7 changes to this Section made by Public Act 90-32 apply without  
8 regard to whether termination of service occurred before the  
9 effective date of that Act and apply retroactively to August  
10 23, 1989.

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

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

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."