



Sen. Mattie Hunter

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10200SB4000sam002

LRB102 23374 RPS 35984 a

1 AMENDMENT TO SENATE BILL 4000

2 AMENDMENT NO. _____. Amend Senate Bill 4000, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

8 Sec. 17-149. Cancellation of pensions.

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

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

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

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

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

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

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

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

1 Notwithstanding the 120-day limit set forth in item (1) of
2 this subsection (c-5), the service retirement pension shall
3 not be cancelled in the case of a service retirement pensioner
4 who teaches only driver education courses after regular school
5 hours and does not teach any other subject area, so long as the
6 person does not work as a teacher for compensation for more
7 than 900 hours in a school year. The \$30,000 limit set forth in
8 subitem (i) of item (2) of this subsection (c-5) shall apply to
9 a service retirement pensioner who teaches only driver
10 education courses after regular school hours and does not
11 teach any other subject area.

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

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

24 If the pensioner works more than 100 days or accepts
25 excess gross compensation for such re-employment in any school
26 year that begins on or after August 8, 2012 (the effective date

1 of Public Act 97-912), the service retirement pension shall
2 thereupon be cancelled.

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

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

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

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

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

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

7 (d) Notwithstanding Sections 1-103.1 and 17-157, the
8 changes to this Section made by Public Act 90-32 apply without
9 regard to whether termination of service occurred before the
10 effective date of that Act and apply retroactively to August
11 23, 1989.

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

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

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

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