



Sen. Daniel Biss

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09900HB6298sam001

LRB099 19814 RPS 48380 a

1 AMENDMENT TO HOUSE BILL 6298

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6298 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 17-143.5 and 17-149 as follows:

6 (40 ILCS 5/17-143.5 new)

7 Sec. 17-143.5. Testimony and the production of records. The  
8 Board shall have the power to issue subpoenas to compel the  
9 attendance of witnesses and the production of documents and  
10 records in conjunction with the determination of employer  
11 payments required under subsection (c) of Section 17-116, a  
12 disability claim, an administrative review proceeding, an  
13 attempt to obtain information to assist in the collection of  
14 sums due to the Fund, or a felony forfeiture investigation. The  
15 fees of witnesses for attendance and travel shall be the same  
16 as the fees of witnesses before the circuit courts of this

1 State and shall be paid by the party seeking the subpoena. The  
2 Board may apply to any circuit court in the State for an order  
3 requiring compliance with a subpoena issued under this Section.  
4 Subpoenas issued under this Section shall be subject to  
5 applicable provisions of the Code of Civil Procedure.

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 pension  
9 from the Fund is re-employed as a teacher by an Employer, the  
10 pension shall be cancelled on the date the re-employment  
11 begins, or on the first day of a payroll period for which  
12 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  
17 payroll period for which service credit was validated,  
18 whichever is earlier. However, subject to the limitations and  
19 requirements of subsection (c-5), the pension shall not be  
20 cancelled in the case of a service retirement pensioner who is  
21 re-employed on a temporary and non-annual basis or on an hourly  
22 basis.

23 (c) If the date of re-employment on a permanent or annual  
24 basis occurs within 5 school months after the date of previous  
25 retirement, exclusive of any vacation period, the member shall

1 be deemed to have been out of service only temporarily and not  
2 permanently retired. Such person shall be entitled to pension  
3 payments for the time he could have been employed as a teacher  
4 and received salary, but shall not be entitled to pension for  
5 or during the summer vacation prior to his return to service.

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

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

1 active membership in the Fund.

2 Notwithstanding the 100-day limit set forth in item (1) of  
3 this subsection (c-5), the service retirement pension shall not  
4 be cancelled in the case of a service retirement pensioner who  
5 teaches only driver education courses after regular school  
6 hours and does not teach any other subject area, so long as the  
7 person does not work as a teacher for compensation for more  
8 than 900 hours in a school year. The \$30,000 limit set forth in  
9 subitem (i) of item (2) of this subsection (c-5) shall apply to  
10 a service retirement pensioner who teaches only driver  
11 education courses after regular school hours and does not teach  
12 any other subject area.

13 To be eligible for such re-employment without cancellation  
14 of pension, the pensioner must notify the Fund and the Board of  
15 Education of his or her intention to accept re-employment under  
16 this subsection (c-5) before beginning that re-employment (or  
17 if the re-employment began before the effective date of this  
18 amendatory Act, then within 30 days 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 excess  
25 gross compensation for such re-employment in any school year  
26 that begins on or after August 8, 2012 (the effective date of

1 Public Act 97-912) ~~this amendatory Act of the 97th General~~  
2 ~~Assembly,~~ the service retirement pension shall thereupon be  
3 cancelled.

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

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

12 (d) Notwithstanding Sections 1-103.1 and 17-157, the  
13 changes to this Section made by Public Act 90-32 apply without  
14 regard to whether termination of service occurred before the  
15 effective date of that Act and apply retroactively to August  
16 23, 1989.

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

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

25 (Source: P.A. 99-176, eff. 7-29-15.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".