

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by
5 changing Sections 17-106 and 17-149 as follows:

6 (40 ILCS 5/17-106) (from Ch. 108 1/2, par. 17-106)

7 Sec. 17-106. Contributor, member or teacher.

8 "Contributor", "member" or "teacher": All members of the
9 teaching force of the city, including principals, assistant
10 principals, the general superintendent of schools, deputy
11 superintendents of schools, associate superintendents of
12 schools, assistant and district superintendents of schools,
13 members of the Board of Examiners, all other persons whose
14 employment requires a teaching certificate issued under the
15 laws governing the certification of teachers, any
16 educational, administrative, professional, or other staff
17 employed in a charter school operating in compliance with the
18 Charter Schools Law who is certified under the law governing
19 the certification of teachers, and employees of the Board,
20 but excluding persons contributing concurrently to any other
21 public employee pension system in Illinois for the same
22 employment or receiving retirement pensions under another
23 Article of this Code for that same employment, persons
24 employed on an hourly basis, and persons receiving pensions
25 from the Fund who are employed temporarily by an Employer for
26 150 ~~100~~ days or less in any school year and not on an annual
27 basis.

28 In the case of a person who has been making contributions
29 and otherwise participating in this Fund prior to the
30 effective date of this amendatory Act of the 91st General
31 Assembly, and whose right to participate in the Fund is

1 established or confirmed by this amendatory Act, such prior
2 participation in the Fund, including all contributions
3 previously made and service credits previously earned by the
4 person, are hereby validated.

5 The changes made to this Section and Section 17-149 by
6 this amendatory Act of the 92nd General Assembly apply
7 without regard to whether the person was in service on or
8 after the effective date of this amendatory Act,
9 notwithstanding Sections 1-103.1 and 17-157.

10 (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98;
11 91-887, eff. 7-6-00.)

12 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

13 Sec. 17-149. Cancellation of pensions. If any person
14 receiving a service or disability retirement pension from the
15 Fund is re-employed as a teacher by an Employer, the pension
16 shall be cancelled on the date the re-employment begins, or
17 on the first day of a payroll period for which service credit
18 was validated, whichever is earlier. However, beginning
19 ~~August--23,--1989,~~ the pension shall not be cancelled in case
20 of a service retirement pensioner who is temporarily
21 re-employed for not more than 150 ~~100~~ days during any school
22 year or on an hourly basis, provided the pensioner does not
23 receive salary in any school year of an amount more than that
24 payable to a substitute teacher for 150 ~~100~~ days' employment.
25 A service retirement pensioner who is temporarily re-employed
26 for not more than 150 ~~100~~ days during any school year or on
27 an hourly basis shall be entitled, at the end of the school
28 year, to a refund of any contributions made to the Fund
29 during that school year.

30 If the pensioner does receive salary from an Employer in
31 any school year for more than 150 ~~100~~ days' employment, the
32 pensioner shall be deemed to have returned to service on the
33 first day of employment as a pensioner-substitute. The

1 pensioner shall reimburse the Fund for pension payments
 2 received after the return to service and shall pay to the
 3 Fund the participant's contributions prescribed in Section
 4 17-130 of this Article.

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

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

20 Notwithstanding Sections 1-103.1 and 17-157, the changes
 21 to this Section made by this amendatory Act of 1997 shall
 22 apply without regard to whether termination of service
 23 occurred before the effective date of this amendatory Act and
 24 shall apply retroactively to August 23, 1989.

25 (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

26 Section 90. The State Mandates Act is amended by adding
 27 Section 8.25 as follows:

28 (30 ILCS 805/8.25 new)

29 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
 30 and 8 of this Act, no reimbursement by the State is required
 31 for the implementation of any mandate created by this
 32 amendatory Act of the 92nd General Assembly.

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