



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 3597

2 AMENDMENT NO. _____. Amend Senate Bill 3597 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 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

1 payroll period for which service credit was validated,
2 whichever is earlier. However, subject to the limitations and
3 requirements of subsection (c-5), the pension shall not be
4 cancelled in the case of a service retirement pensioner who is
5 re-employed on a temporary and non-annual basis or on an hourly
6 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 at
20 a rate and under conditions other than those in force or
21 attained at the time of his previous retirement.

22 (c-5) The service retirement pension shall not be cancelled
23 in the case of a service retirement pensioner who is
24 re-employed as a teacher on a temporary and non-annual basis or
25 on an hourly basis, so long as the person (1) does not work as a
26 teacher for compensation on more than 100 days in a school year

1 and (2) does not accept gross compensation for such
2 re-employment in a school year in excess of the amount of gross
3 compensation that would be paid for 100 days of employment at
4 the rate for a day-to-day substitute teacher. These limitations
5 apply only to school years that begin on or after the effective
6 date of this amendatory Act of the 97th General Assembly. Such
7 re-employment does not require contributions, result in
8 service credit, or constitute active membership in the Fund.

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

15 The Board of Education must certify to the Fund the
16 temporary and non-annual or hourly status and the compensation
17 of each 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 excess
21 gross compensation for such re-employment in any school year
22 that begins on or after the effective date of this amendatory
23 Act of the 97th General Assembly, the service retirement
24 pension shall thereupon be cancelled.

25 The Board of the Fund shall adopt rules for the
26 implementation and administration of this subsection.

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

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

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

15 (Source: P.A. 92-416, eff. 8-17-01; 92-599, eff. 6-28-02.)

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.36 as follows:

18 (30 ILCS 805/8.36 new)

19 Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 97th General Assembly.

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.".