



Sen. John J. Cullerton

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LRB099 03098 RPS 34437 a

1 AMENDMENT TO SENATE BILL 438

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 438 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 the  
2 re-employment in a school year in excess of (i) \$30,000 or (ii)  
3 in the case of a person who retires with at least 5 years of  
4 service as a principal, an amount that is equal to the daily  
5 rate normally paid to retired principals multiplied by 100.  
6 These limitations apply only to school years that begin on or  
7 after August 8, 2012 (the effective date of Public Act 97-912)  
8 ~~this amendatory Act of the 97th General Assembly~~. Such  
9 re-employment does not require contributions, result in  
10 service credit, or constitute active membership in the Fund.

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

22 To be eligible for such re-employment without cancellation  
23 of pension, the pensioner must notify the Fund and the Board of  
24 Education of his or her intention to accept re-employment under  
25 this subsection (c-5) before beginning that re-employment (or  
26 if the re-employment began before the effective date of this

1 amendatory Act, then within 30 days after that effective date).

2 The Board of Education must certify to the Fund the  
3 temporary and non-annual or hourly status and the compensation  
4 of each pensioner re-employed under this subsection at least  
5 quarterly, and when the pensioner is approaching the earnings  
6 limitation under this subsection.

7 If the pensioner works more than 100 days or accepts excess  
8 gross compensation for such re-employment in any school year  
9 that begins on or after August 8, 2012 (the effective date of  
10 Public Act 97-912) ~~this amendatory Act of the 97th General~~  
11 ~~Assembly~~, the service retirement pension shall thereupon be  
12 cancelled.

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

19 The Board of the Fund shall adopt rules for the  
20 implementation and administration of this subsection.

21 (d) Notwithstanding Sections 1-103.1 and 17-157, the  
22 changes to this Section made by Public Act 90-32 apply without  
23 regard to whether termination of service occurred before the  
24 effective date of that Act and apply retroactively to August  
25 23, 1989.

26 Notwithstanding Sections 1-103.1 and 17-157, the changes

1 to this Section and Section 17-106 made by Public Act 92-599  
2 apply without regard to whether termination of service occurred  
3 before the effective date of that Act.

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

8 (Source: P.A. 97-912, eff. 8-8-12.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".