

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 17-149 and 17-150 as follows:

6 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

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

24 If the pensioner does receive salary from an Employer in
25 any school year for more than 150 ~~100~~ days' employment, the
26 pensioner shall be deemed to have returned to service on the
27 first day of employment as a pensioner-substitute. The
28 pensioner shall reimburse the Fund for pension payments
29 received after the return to service and shall pay to the
30 Fund the participant's contributions prescribed in Section
31 17-130 of this Article.

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

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

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

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

22 (40 ILCS 5/17-150) (from Ch. 108 1/2, par. 17-150)

23 Sec. 17-150. Suspension of pensions. Until July 1,
24 2000, pension payments, exclusive of those made to the
25 survivors of persons who were contributors, shall be
26 suspended while the recipient is employed in a teaching
27 capacity, outside the City in which the Fund exists, by any
28 public school or charter school in this State, unless the
29 recipient is so employed temporarily as a substitute teacher
30 for 150 ~~±~~100 days or less in a school year or on an hourly
31 basis with earnings not in excess of the sum payable for 150
32 ~~±~~100 days' substitute service.

33 Beginning July 1, 2000, pension payments shall no longer

1 be suspended while the recipient is employed in a teaching
2 capacity, outside the City in which the Fund exists, by any
3 public school or charter school in this State, and any
4 pension that is in a state of suspension under this Section
5 on July 1, 2000 shall be reinstated on that date.
6 Notwithstanding Section 17-157, the change to this Section
7 made by this amendatory Act of the 91st General Assembly
8 applies without regard to whether or not the pensioner was in
9 service on or after the effective date of this amendatory
10 Act.

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

12 Section 90. The State Mandates Act is amended by adding
13 Section 8.25 as follows:

14 (30 ILCS 805/8.25 new)

15 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
16 and 8 of this Act, no reimbursement by the State is required
17 for the implementation of any mandate created by this
18 amendatory Act of the 92nd General Assembly.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.