



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3213

by Rep. Robert Martwick

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-106	from Ch. 108 1/2, par. 16-106
40 ILCS 5/16-155	from Ch. 108 1/2, par. 16-155
30 ILCS 805/8.43 new	

Amends the Downstate Teacher Article of the Illinois Pension Code. In the definition of "teacher", removes a provision specifying that an annuitant receiving a retirement annuity under the Chicago Teacher Article who is employed by a board of education or other employer as permitted under specified provisions is not a "teacher" for purposes of the Downstate Teacher Article. Provides that the board may also require reporting requirements that are different than those specified in a provision concerning employer reporting requirements and may require different reporting requirements for different benefits or purposes established under the Article, including, but not limited to, any optional benefit plan an employee chooses to participate in. Provides that if the governing body of an employer that is not a State agency fails to forward specified required contributions within a specified period, the System shall notify the employer of an additional amount due, equal to \$50 per day for each day that elapses from the due date until the day the report and employee contributions are received by the System (instead of the greater of an amount representing the interest lost by the system due to late forwarding of contributions, calculated for the number of days which the employer is late in forwarding contributions at a rate of interest prescribed by the board or \$50). Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB101 09761 RPS 54862 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning 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 changing
5 Sections 16-106 and 16-155 as follows:

6 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

7 Sec. 16-106. Teacher. "Teacher": The following
8 individuals, provided that, for employment prior to July 1,
9 1990, they are employed on a full-time basis, or if not
10 full-time, on a permanent and continuous basis in a position in
11 which services are expected to be rendered for at least one
12 school term:

13 (1) Any educational, administrative, professional or
14 other staff employed in the public common schools included
15 within this system in a position requiring certification
16 under the law governing the certification of teachers;

17 (2) Any educational, administrative, professional or
18 other staff employed in any facility of the Department of
19 Children and Family Services or the Department of Human
20 Services, in a position requiring certification under the
21 law governing the certification of teachers, and any person
22 who (i) works in such a position for the Department of
23 Corrections, (ii) was a member of this System on May 31,

1 1987, and (iii) did not elect to become a member of the
2 State Employees' Retirement System pursuant to Section
3 14-108.2 of this Code; except that "teacher" does not
4 include any person who (A) becomes a security employee of
5 the Department of Human Services, as defined in Section
6 14-110, after June 28, 2001 (the effective date of Public
7 Act 92-14), or (B) becomes a member of the State Employees'
8 Retirement System pursuant to Section 14-108.2c of this
9 Code;

10 (3) Any regional superintendent of schools, assistant
11 regional superintendent of schools, State Superintendent
12 of Education; any person employed by the State Board of
13 Education as an executive; any executive of the boards
14 engaged in the service of public common school education in
15 school districts covered under this system of which the
16 State Superintendent of Education is an ex-officio member;

17 (4) Any employee of a school board association
18 operating in compliance with Article 23 of the School Code
19 who is certificated under the law governing the
20 certification of teachers, provided that he or she becomes
21 such an employee before the effective date of this
22 amendatory Act of the 99th General Assembly;

23 (5) Any person employed by the retirement system who:

24 (i) was an employee of and a participant in the
25 system on August 17, 2001 (the effective date of Public
26 Act 92-416), or

1 (ii) becomes an employee of the system on or after
2 August 17, 2001;

3 (6) Any educational, administrative, professional or
4 other staff employed by and under the supervision and
5 control of a regional superintendent of schools, provided
6 such employment position requires the person to be
7 certificated under the law governing the certification of
8 teachers and is in an educational program serving 2 or more
9 districts in accordance with a joint agreement authorized
10 by the School Code or by federal legislation;

11 (7) Any educational, administrative, professional or
12 other staff employed in an educational program serving 2 or
13 more school districts in accordance with a joint agreement
14 authorized by the School Code or by federal legislation and
15 in a position requiring certification under the laws
16 governing the certification of teachers;

17 (8) Any officer or employee of a statewide teacher
18 organization or officer of a national teacher organization
19 who is certified under the law governing certification of
20 teachers, provided: (i) the individual had previously
21 established creditable service under this Article, (ii)
22 the individual files with the system an irrevocable
23 election to become a member before the effective date of
24 this amendatory Act of the 97th General Assembly, (iii) the
25 individual does not receive credit for such service under
26 any other Article of this Code, and (iv) the individual

1 first became an officer or employee of the teacher
2 organization and becomes a member before the effective date
3 of this amendatory Act of the 97th General Assembly;

4 (9) Any educational, administrative, professional, or
5 other staff employed in a charter school operating in
6 compliance with the Charter Schools Law who is certificated
7 under the law governing the certification of teachers;

8 (10) Any person employed, on the effective date of this
9 amendatory Act of the 94th General Assembly, by the
10 Macon-Piatt Regional Office of Education in a
11 birth-through-age-three pilot program receiving funds
12 under Section 2-389 of the School Code who is required by
13 the Macon-Piatt Regional Office of Education to hold a
14 teaching certificate, provided that the Macon-Piatt
15 Regional Office of Education makes an election, within 6
16 months after the effective date of this amendatory Act of
17 the 94th General Assembly, to have the person participate
18 in the system. Any service established prior to the
19 effective date of this amendatory Act of the 94th General
20 Assembly for service as an employee of the Macon-Piatt
21 Regional Office of Education in a birth-through-age-three
22 pilot program receiving funds under Section 2-389 of the
23 School Code shall be considered service as a teacher if
24 employee and employer contributions have been received by
25 the system and the system has not refunded those
26 contributions.

1 An annuitant receiving a retirement annuity under this
2 Article ~~or under Article 17 of this Code~~ who is employed by a
3 board of education or other employer as permitted under Section
4 16-118 or 16-150.1 is not a "teacher" for purposes of this
5 Article. A person who has received a single-sum retirement
6 benefit under Section 16-136.4 of this Article is not a
7 "teacher" for purposes of this Article. For purposes of this
8 Article, "teacher" does not include a person employed by an
9 entity that provides substitute teaching services under
10 Section 2-3.173 of the School Code and is not a school
11 district.

12 (Source: P.A. 99-830, eff. 1-1-17; 100-813, eff. 8-13-18.)

13 (40 ILCS 5/16-155) (from Ch. 108 1/2, par. 16-155)

14 Sec. 16-155. Report to system and payment of deductions.

15 (a) The governing body of each school district shall make
16 two deposits each month. The deposit for member contributions
17 for salary paid between the first and the fifteenth of the
18 month is due by the 25th of the month. The deposit of member
19 contributions for salary paid between the sixteenth and last
20 day of the month is due by the 10th of the following month. All
21 required contributions for salary earned during a school term
22 are due by July 10 next following the close of such school
23 term.

24 The governing body of each State institution coming under
25 this retirement system, the State Comptroller or other State

1 officer certifying payroll vouchers including payments of
2 salary or wages to teachers, and any other employer of
3 teachers, shall, monthly, forward to the secretary of the
4 retirement system the member contributions required under this
5 Article.

6 Each employer specified above shall, prior to August 15 of
7 each year, forward to the System a detailed statement, verified
8 in all cases of school districts by the secretary or clerk of
9 the district, of the amounts so contributed since the period
10 covered by the last previous annual statement, together with
11 required contributions not yet forwarded, such payments being
12 payable to the System.

13 The board may prescribe rules governing the form, content,
14 investigation, control, and supervision of such statements and
15 may establish additional interim employer reporting
16 requirements as the Board deems necessary. If no teacher in a
17 school district comes under the provisions of this Article, the
18 governing body of the district shall so state under the oath of
19 its secretary to this system, and shall at the same time
20 forward a copy of the statement to the regional superintendent
21 of schools.

22 The board may also require reporting requirements that are
23 different than those prescribed in this Section and may require
24 different reporting requirements for different benefits or
25 purposes established under this Article, including, but not
26 limited to, any optional benefit plan an employee chooses to

1 participate in.

2 (b) If the governing body of an employer that is not a
3 State agency fails to forward such required contributions
4 within the time permitted in subsection (a) above, the System
5 shall notify the employer of an additional amount due, equal to
6 ~~the greater of the following: (1) an amount representing the~~
7 ~~interest lost by the system due to late forwarding of~~
8 ~~contributions, calculated for the number of days which the~~
9 ~~employer is late in forwarding contributions at a rate of~~
10 ~~interest prescribed by the board, based on its investment~~
11 ~~experience; or (2) \$50~~ per day for each day that elapses from
12 the due date until the day such report and employee
13 contributions are received by the System.

14 (c) If the system, on August 15, is not in receipt of the
15 detailed statements required under this Section of any school
16 district or other employing unit, such school district or other
17 employing unit shall pay to the system an amount equal to \$250
18 for each day that elapses from August 15, until the day such
19 statement is filed with the system.

20 (Source: P.A. 99-450, eff. 8-24-15.)

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.43 as follows:

23 (30 ILCS 805/8.43 new)

24 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 101st General Assembly.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.