



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3858

Introduced 10/17/2019, by Rep. Allen Skillicorn

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-123

from Ch. 108 1/2, par. 16-123

30 ILCS 805/8.43 new

Amends the Downstate Teacher Article of the Illinois Pension Code. Provides that beginning on the effective date of the amendatory Act, a substitute teacher is not required, as a condition of employment or otherwise, to participate in the System. Provides that an active substitute teacher may terminate his or her membership in the System (including the ability to contribute or have contributions made to a defined contribution account, if applicable) by notifying the System in writing. Provides that an active substitute teacher terminating his or her membership in the System shall be entitled to a refund of his or her contributions (other than contributions to a defined contribution account) minus the benefits received prior to the termination of membership. Amends the State Mandates Act to require implementation without reimbursement.

LRB101 13308 RPS 62150 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Section 16-123 as follows:

6 (40 ILCS 5/16-123) (from Ch. 108 1/2, par. 16-123)

7 Sec. 16-123. Membership of System.

8 (a) Except as provided in subsection (c), the ~~The~~  
9 membership of this System shall be composed of all teachers  
10 employed after June 30, 1939 who become members as a condition  
11 of employment on the date they become teachers. Membership  
12 shall continue until the date a member becomes an annuitant,  
13 dies, accepts a single-sum retirement benefit, accepts a  
14 refund, or forfeits the rights to a refund.

15 (b) This Article does not apply to any person first  
16 employed after June 30, 1979 as a public service employment  
17 program participant under the Federal Comprehensive Employment  
18 and Training Act and whose wages or fringe benefits are paid in  
19 whole or in part by funds provided under such Act.

20 (c) Notwithstanding any other provision of this Article,  
21 beginning on the effective date of this amendatory Act of the  
22 101st General Assembly, a substitute teacher is not required,  
23 as a condition of employment or otherwise, to participate in

1 this System. An active substitute teacher may terminate his or  
2 her membership in this System (including the ability to  
3 contribute or have contributions made to a defined contribution  
4 account, if applicable) by notifying the System in writing. An  
5 active substitute teacher terminating his or her membership in  
6 this System under this subsection shall be entitled to a refund  
7 of his or her contributions (other than contributions to a  
8 defined contribution account) minus the benefits received  
9 prior to the termination of membership.

10 (Source: P.A. 87-11.)

11 Section 90. The State Mandates Act is amended by adding  
12 Section 8.43 as follows:

13 (30 ILCS 805/8.43 new)

14 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8  
15 of this Act, no reimbursement by the State is required for the  
16 implementation of any mandate created by this amendatory Act of  
17 the 101st General Assembly.