



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2998

Introduced 2/19/2021, by Rep. Dave Severin

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-128.5 new
40 ILCS 5/16-203

Amends the Downstate Teacher Article of the Illinois Pension Code. Provides that a teacher who served as a teacher during the public health emergency declared by the Governor related to the COVID-19 pandemic shall receive one additional day of service credit for each day of service credit earned during that period, notwithstanding any limitation on the amount of service credit that may be earned in a single year. Provides that the service credit shall be granted without any additional employee or employer contribution. Provides that any benefit increase that results from the amendatory Act is excluded from the definition of "new benefit increase". Effective immediately.

LRB102 14617 RPS 19970 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 adding
5 Section 16-128.5 and by amending Section 16-203 as follows:

6 (40 ILCS 5/16-128.5 new)

7 Sec. 16-128.5. Additional service credit for service
8 during the COVID-19 public health emergency. A teacher who
9 served as a teacher during the public health emergency
10 declared by the Governor related to the COVID-19 pandemic
11 shall receive one additional day of service credit for each
12 day of service credit earned during that period,
13 notwithstanding any limitation on the amount of service credit
14 that may be earned in a single year. Service credit under this
15 Section shall be granted without any additional employee or
16 employer contribution.

17 (40 ILCS 5/16-203)

18 Sec. 16-203. Application and expiration of new benefit
19 increases.

20 (a) As used in this Section, "new benefit increase" means
21 an increase in the amount of any benefit provided under this
22 Article, or an expansion of the conditions of eligibility for

1 any benefit under this Article, that results from an amendment
2 to this Code that takes effect after June 1, 2005 (the
3 effective date of Public Act 94-4). "New benefit increase",
4 however, does not include any benefit increase resulting from
5 the changes made to Article 1 or this Article by Public Act
6 95-910, Public Act 100-23, Public Act 100-587, Public Act
7 100-743, ~~or~~ Public Act 100-769, Public Act 101-10, Public Act
8 101-49, or this amendatory Act of the 102nd General Assembly
9 ~~or this amendatory Act of the 101st General Assembly.~~

10 (b) Notwithstanding any other provision of this Code or
11 any subsequent amendment to this Code, every new benefit
12 increase is subject to this Section and shall be deemed to be
13 granted only in conformance with and contingent upon
14 compliance with the provisions of this Section.

15 (c) The Public Act enacting a new benefit increase must
16 identify and provide for payment to the System of additional
17 funding at least sufficient to fund the resulting annual
18 increase in cost to the System as it accrues.

19 Every new benefit increase is contingent upon the General
20 Assembly providing the additional funding required under this
21 subsection. The Commission on Government Forecasting and
22 Accountability shall analyze whether adequate additional
23 funding has been provided for the new benefit increase and
24 shall report its analysis to the Public Pension Division of
25 the Department of Insurance. A new benefit increase created by
26 a Public Act that does not include the additional funding

1 required under this subsection is null and void. If the Public
2 Pension Division determines that the additional funding
3 provided for a new benefit increase under this subsection is
4 or has become inadequate, it may so certify to the Governor and
5 the State Comptroller and, in the absence of corrective action
6 by the General Assembly, the new benefit increase shall expire
7 at the end of the fiscal year in which the certification is
8 made.

9 (d) Every new benefit increase shall expire 5 years after
10 its effective date or on such earlier date as may be specified
11 in the language enacting the new benefit increase or provided
12 under subsection (c). This does not prevent the General
13 Assembly from extending or re-creating a new benefit increase
14 by law.

15 (e) Except as otherwise provided in the language creating
16 the new benefit increase, a new benefit increase that expires
17 under this Section continues to apply to persons who applied
18 and qualified for the affected benefit while the new benefit
19 increase was in effect and to the affected beneficiaries and
20 alternate payees of such persons, but does not apply to any
21 other person, including, without limitation, a person who
22 continues in service after the expiration date and did not
23 apply and qualify for the affected benefit while the new
24 benefit increase was in effect.

25 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
26 100-743, eff. 8-10-18; 100-769, eff. 8-10-18; 101-10, eff.

1 6-5-19; 101-49, eff. 7-12-19; 101-81, eff. 7-12-19; revised
2 8-13-19.)

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