



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3432

Introduced 2/17/2023, 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.

LRB103 28268 RPS 54647 b

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, Public Act 100-769, Public Act 101-10, Public Act  
8 101-49, Public Act 102-16, Public Act 102-871, or this  
9 amendatory Act of the 103rd General Assembly ~~Public Act 102-16~~  
10 ~~this amendatory Act of the 102nd General Assembly.~~

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

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

20 Every new benefit increase is contingent upon the General  
21 Assembly providing the additional funding required under this  
22 subsection. The Commission on Government Forecasting and  
23 Accountability shall analyze whether adequate additional  
24 funding has been provided for the new benefit increase and  
25 shall report its analysis to the Public Pension Division of  
26 the Department of Insurance. A new benefit increase created by

1 a Public Act that does not include the additional funding  
2 required under this subsection is null and void. If the Public  
3 Pension Division determines that the additional funding  
4 provided for a new benefit increase under this subsection is  
5 or has become inadequate, it may so certify to the Governor and  
6 the State Comptroller and, in the absence of corrective action  
7 by the General Assembly, the new benefit increase shall expire  
8 at the end of the fiscal year in which the certification is  
9 made.

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

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

26 (Source: P.A. 101-10, eff. 6-5-19; 101-49, eff. 7-12-19;

1 101-81, eff. 7-12-19; 102-16, eff. 6-17-21; 102-558, eff.  
2 8-20-21; 102-813, eff. 5-13-22; 102-871, eff. 5-13-22; revised  
3 7-26-22.)

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