



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4247

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Labor Relations Act. Prohibits public employees and labor organizations from collectively bargaining on certain specified matters. Provides that governing authorities of units of local government, school districts, and community college districts, may by ordinance or resolution prohibit those activities from collective bargaining. Allows the registered voters of units of local government, school districts, and community college districts to petition to have the question of whether those activities should be prohibited from collective bargaining certified and presented to the election authority. Makes similar changes in the Illinois Educational Labor Relations Act. Amends the Property Tax Code. Provides that, for the 2016 levy year and 2017 levy year, the Property Tax Extension Limitation Law applies to all taxing districts, including home rule units and school districts. Provides that, for the 2016 levy year and the 2017 levy year, the extension limitation under the Property Tax Extension Limitation Law is 0% or the rate of increase approved by the voters. Preempts home rule powers. Amends the Prevailing Wage Act. Excludes from the scope of the Act units of local government and school districts. Excludes from the scope of the term "public works" any public works constructed by a unit of local government or school district. Amends various other Acts to make related changes. Amends the State Mandates Act to require implementation without reimbursement. Contains legislative findings.

LRB099 13075 JLK 36962 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE 1. LEGISLATIVE FINDINGS.

5 Section 1-1. Short title. This Act may be cited as the
6 Local Government Taxpayer Protection Act of 2015.

7 Section 1-5. Legislative intent. As of 2015, Illinois
8 taxpayers are paying the second highest median property taxes
9 in the United States. While property taxes are a critical
10 source of revenue for units of local government, school
11 districts, and other governmental entities, the high property
12 tax burden hinders economic growth. The General Assembly finds
13 that freezing property tax extensions until voters, acting by
14 referendum, approve an increase in the tax extension will
15 return control of local tax and spending policy to voters and,
16 as property values begin to grow, reduce property tax rates.

17 To ensure that units of local government, school districts,
18 and other governmental entities that depend upon property tax
19 revenue are able to continue providing critical services to
20 their residents notwithstanding this property tax freeze, the
21 General Assembly further finds that it is necessary to reduce
22 the State-imposed mandates on local governments that have

1 increased the cost of providing these services. These mandates
2 include the following:

3 (1) According to the United States Census Bureau's 2012
4 report on state and local government finance, employee wages
5 and benefits are the largest operational expense of local
6 governments in Illinois. Although the Illinois Public Labor
7 Relations Act and the Illinois Educational Labor Relations Act
8 are intended to afford local governments with discretion over
9 their budgets, employee costs remain a significant expense. The
10 changes made by this amendatory Act of the 99th General
11 Assembly to the Illinois Public Labor Relations Act and the
12 Illinois Educational Labor Relations Act are intended to
13 empower local governments to contain these costs. The changes
14 made to the Illinois Pension Code and the School Code are
15 intended to balance the burdens of employer costs between the
16 State and the local school district.

17 (2) Despite critical infrastructure and capital needs, the
18 cost of capital projects is often higher for local governments
19 than for the private sector. In particular, labor costs are
20 higher due to the State's mandated prevailing wage, which often
21 exceeds the wage required for federally funded projects and the
22 wage that actually prevails in the market.

23 The purpose of this amendatory Act of the 99th General
24 Assembly is to alleviate the property tax burden. To offset the
25 property tax freeze, it is necessary to reduce labor and
26 capital costs incurred by units of local government, school

1 districts, and other governmental entities as a result of State
2 mandates.

3 ARTICLE 5. AMENDATORY PROVISIONS.

4 Section 5-5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 3, 6, and 7 and by adding Sections
6 4.1 and 4.2 as follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

8 Sec. 3. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Board" means the Illinois Labor Relations Board or,
11 with respect to a matter over which the jurisdiction of the
12 Board is assigned to the State Panel or the Local Panel under
13 Section 5, the panel having jurisdiction over the matter.

14 (b) "Collective bargaining" means bargaining over terms
15 and conditions of employment, including hours, wages, and other
16 conditions of employment, as detailed in Section 7 and which
17 are not excluded by Section 4, Section 4.1, or Section 4.2.

18 (c) "Confidential employee" means an employee who, in the
19 regular course of his or her duties, assists and acts in a
20 confidential capacity to persons who formulate, determine, and
21 effectuate management policies with regard to labor relations
22 or who, in the regular course of his or her duties, has
23 authorized access to information relating to the effectuation

1 or review of the employer's collective bargaining policies.

2 (d) "Craft employees" means skilled journeymen, crafts
3 persons, and their apprentices and helpers.

4 (e) "Essential services employees" means those public
5 employees performing functions so essential that the
6 interruption or termination of the function will constitute a
7 clear and present danger to the health and safety of the
8 persons in the affected community.

9 (f) "Exclusive representative", except with respect to
10 non-State fire fighters and paramedics employed by fire
11 departments and fire protection districts, non-State peace
12 officers, and peace officers in the Department of State Police,
13 means the labor organization that has been (i) designated by
14 the Board as the representative of a majority of public
15 employees in an appropriate bargaining unit in accordance with
16 the procedures contained in this Act, (ii) historically
17 recognized by the State of Illinois or any political
18 subdivision of the State before July 1, 1984 (the effective
19 date of this Act) as the exclusive representative of the
20 employees in an appropriate bargaining unit, (iii) after July
21 1, 1984 (the effective date of this Act) recognized by an
22 employer upon evidence, acceptable to the Board, that the labor
23 organization has been designated as the exclusive
24 representative by a majority of the employees in an appropriate
25 bargaining unit; (iv) recognized as the exclusive
26 representative of personal assistants under Executive Order

1 2003-8 prior to the effective date of this amendatory Act of
2 the 93rd General Assembly, and the organization shall be
3 considered to be the exclusive representative of the personal
4 assistants as defined in this Section; or (v) recognized as the
5 exclusive representative of child and day care home providers,
6 including licensed and license exempt providers, pursuant to an
7 election held under Executive Order 2005-1 prior to the
8 effective date of this amendatory Act of the 94th General
9 Assembly, and the organization shall be considered to be the
10 exclusive representative of the child and day care home
11 providers as defined in this Section.

12 With respect to non-State fire fighters and paramedics
13 employed by fire departments and fire protection districts,
14 non-State peace officers, and peace officers in the Department
15 of State Police, "exclusive representative" means the labor
16 organization that has been (i) designated by the Board as the
17 representative of a majority of peace officers or fire fighters
18 in an appropriate bargaining unit in accordance with the
19 procedures contained in this Act, (ii) historically recognized
20 by the State of Illinois or any political subdivision of the
21 State before January 1, 1986 (the effective date of this
22 amendatory Act of 1985) as the exclusive representative by a
23 majority of the peace officers or fire fighters in an
24 appropriate bargaining unit, or (iii) after January 1, 1986
25 (the effective date of this amendatory Act of 1985) recognized
26 by an employer upon evidence, acceptable to the Board, that the

1 labor organization has been designated as the exclusive
2 representative by a majority of the peace officers or fire
3 fighters in an appropriate bargaining unit.

4 Where a historical pattern of representation exists for the
5 workers of a water system that was owned by a public utility,
6 as defined in Section 3-105 of the Public Utilities Act, prior
7 to becoming certified employees of a municipality or
8 municipalities once the municipality or municipalities have
9 acquired the water system as authorized in Section 11-124-5 of
10 the Illinois Municipal Code, the Board shall find the labor
11 organization that has historically represented the workers to
12 be the exclusive representative under this Act, and shall find
13 the unit represented by the exclusive representative to be the
14 appropriate unit.

15 (g) "Fair share agreement" means an agreement between the
16 employer and an employee organization under which all or any of
17 the employees in a collective bargaining unit are required to
18 pay their proportionate share of the costs of the collective
19 bargaining process, contract administration, and pursuing
20 matters affecting wages, hours, and other conditions of
21 employment, but not to exceed the amount of dues uniformly
22 required of members. The amount certified by the exclusive
23 representative shall not include any fees for contributions
24 related to the election or support of any candidate for
25 political office. Nothing in this subsection (g) shall preclude
26 an employee from making voluntary political contributions in

1 conjunction with his or her fair share payment.

2 (g-1) "Fire fighter" means, for the purposes of this Act
3 only, any person who has been or is hereafter appointed to a
4 fire department or fire protection district or employed by a
5 state university and sworn or commissioned to perform fire
6 fighter duties or paramedic duties, except that the following
7 persons are not included: part-time fire fighters, auxiliary,
8 reserve or voluntary fire fighters, including paid on-call fire
9 fighters, clerks and dispatchers or other civilian employees of
10 a fire department or fire protection district who are not
11 routinely expected to perform fire fighter duties, or elected
12 officials.

13 (g-2) "General Assembly of the State of Illinois" means the
14 legislative branch of the government of the State of Illinois,
15 as provided for under Article IV of the Constitution of the
16 State of Illinois, and includes but is not limited to the House
17 of Representatives, the Senate, the Speaker of the House of
18 Representatives, the Minority Leader of the House of
19 Representatives, the President of the Senate, the Minority
20 Leader of the Senate, the Joint Committee on Legislative
21 Support Services and any legislative support services agency
22 listed in the Legislative Commission Reorganization Act of
23 1984.

24 (h) "Governing body" means, in the case of the State, the
25 State Panel of the Illinois Labor Relations Board, the Director
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the
2 case of a county; the corporate authorities in the case of a
3 municipality; and the appropriate body authorized to provide
4 for expenditures of its funds in the case of any other unit of
5 government.

6 (i) "Labor organization" means any organization in which
7 public employees participate and that exists for the purpose,
8 in whole or in part, of dealing with a public employer
9 concerning wages, hours, and other terms and conditions of
10 employment, including the settlement of grievances.

11 (i-5) "Legislative liaison" means a person who is an
12 employee of a State agency, the Attorney General, the Secretary
13 of State, the Comptroller, or the Treasurer, as the case may
14 be, and whose job duties require the person to regularly
15 communicate in the course of his or her employment with any
16 official or staff of the General Assembly of the State of
17 Illinois for the purpose of influencing any legislative action.

18 (j) "Managerial employee" means an individual who is
19 engaged predominantly in executive and management functions
20 and is charged with the responsibility of directing the
21 effectuation of management policies and practices. With
22 respect only to State employees in positions under the
23 jurisdiction of the Attorney General, Secretary of State,
24 Comptroller, or Treasurer (i) that were certified in a
25 bargaining unit on or after December 2, 2008, (ii) for which a
26 petition is filed with the Illinois Public Labor Relations

1 Board on or after April 5, 2013 (the effective date of Public
2 Act 97-1172), or (iii) for which a petition is pending before
3 the Illinois Public Labor Relations Board on that date,
4 "managerial employee" means an individual who is engaged in
5 executive and management functions or who is charged with the
6 effectuation of management policies and practices or who
7 represents management interests by taking or recommending
8 discretionary actions that effectively control or implement
9 policy. Nothing in this definition prohibits an individual from
10 also meeting the definition of "supervisor" under subsection
11 (r) of this Section.

12 (k) "Peace officer" means, for the purposes of this Act
13 only, any persons who have been or are hereafter appointed to a
14 police force, department, or agency and sworn or commissioned
15 to perform police duties, except that the following persons are
16 not included: part-time police officers, special police
17 officers, auxiliary police as defined by Section 3.1-30-20 of
18 the Illinois Municipal Code, night watchmen, "merchant
19 police", court security officers as defined by Section 3-6012.1
20 of the Counties Code, temporary employees, traffic guards or
21 wardens, civilian parking meter and parking facilities
22 personnel or other individuals specially appointed to aid or
23 direct traffic at or near schools or public functions or to aid
24 in civil defense or disaster, parking enforcement employees who
25 are not commissioned as peace officers and who are not armed
26 and who are not routinely expected to effect arrests, parking

1 lot attendants, clerks and dispatchers or other civilian
2 employees of a police department who are not routinely expected
3 to effect arrests, or elected officials.

4 (l) "Person" includes one or more individuals, labor
5 organizations, public employees, associations, corporations,
6 legal representatives, trustees, trustees in bankruptcy,
7 receivers, or the State of Illinois or any political
8 subdivision of the State or governing body, but does not
9 include the General Assembly of the State of Illinois or any
10 individual employed by the General Assembly of the State of
11 Illinois.

12 (m) "Professional employee" means any employee engaged in
13 work predominantly intellectual and varied in character rather
14 than routine mental, manual, mechanical or physical work;
15 involving the consistent exercise of discretion and adjustment
16 in its performance; of such a character that the output
17 produced or the result accomplished cannot be standardized in
18 relation to a given period of time; and requiring advanced
19 knowledge in a field of science or learning customarily
20 acquired by a prolonged course of specialized intellectual
21 instruction and study in an institution of higher learning or a
22 hospital, as distinguished from a general academic education or
23 from apprenticeship or from training in the performance of
24 routine mental, manual, or physical processes; or any employee
25 who has completed the courses of specialized intellectual
26 instruction and study prescribed in this subsection (m) and is

1 performing related work under the supervision of a professional
2 person to qualify to become a professional employee as defined
3 in this subsection (m).

4 (n) "Public employee" or "employee", for the purposes of
5 this Act, means any individual employed by a public employer,
6 including (i) interns and residents at public hospitals, (ii)
7 as of the effective date of this amendatory Act of the 93rd
8 General Assembly, but not before, personal assistants working
9 under the Home Services Program under Section 3 of the Disabled
10 Persons Rehabilitation Act, subject to the limitations set
11 forth in this Act and in the Disabled Persons Rehabilitation
12 Act, (iii) as of the effective date of this amendatory Act of
13 the 94th General Assembly, but not before, child and day care
14 home providers participating in the child care assistance
15 program under Section 9A-11 of the Illinois Public Aid Code,
16 subject to the limitations set forth in this Act and in Section
17 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
18 2013 (the effective date of Public Act 97-1158), but not before
19 except as otherwise provided in this subsection (n), home care
20 and home health workers who function as personal assistants and
21 individual maintenance home health workers and who also work
22 under the Home Services Program under Section 3 of the Disabled
23 Persons Rehabilitation Act, no matter whether the State
24 provides those services through direct fee-for-service
25 arrangements, with the assistance of a managed care
26 organization or other intermediary, or otherwise, (v)

1 beginning on the effective date of this amendatory Act of the
2 98th General Assembly and notwithstanding any other provision
3 of this Act, any person employed by a public employer and who
4 is classified as or who holds the employment title of Chief
5 Stationary Engineer, Assistant Chief Stationary Engineer,
6 Sewage Plant Operator, Water Plant Operator, Stationary
7 Engineer, Plant Operating Engineer, and any other employee who
8 holds the position of: Civil Engineer V, Civil Engineer VI,
9 Civil Engineer VII, Technical Manager I, Technical Manager II,
10 Technical Manager III, Technical Manager IV, Technical Manager
11 V, Technical Manager VI, Realty Specialist III, Realty
12 Specialist IV, Realty Specialist V, Technical Advisor I,
13 Technical Advisor II, Technical Advisor III, Technical Advisor
14 IV, or Technical Advisor V employed by the Department of
15 Transportation who is in a position which is certified in a
16 bargaining unit on or before the effective date of this
17 amendatory Act of the 98th General Assembly, and (vi) beginning
18 on the effective date of this amendatory Act of the 98th
19 General Assembly and notwithstanding any other provision of
20 this Act, any mental health administrator in the Department of
21 Corrections who is classified as or who holds the position of
22 Public Service Administrator (Option 8K), any employee of the
23 Office of the Inspector General in the Department of Human
24 Services who is classified as or who holds the position of
25 Public Service Administrator (Option 7), any Deputy of
26 Intelligence in the Department of Corrections who is classified

1 as or who holds the position of Public Service Administrator
2 (Option 7), and any employee of the Department of State Police
3 who handles issues concerning the Illinois State Police Sex
4 Offender Registry and who is classified as or holds the
5 position of Public Service Administrator (Option 7), but
6 excluding all of the following: employees of the General
7 Assembly of the State of Illinois; elected officials; executive
8 heads of a department; members of boards or commissions; the
9 Executive Inspectors General; any special Executive Inspectors
10 General; employees of each Office of an Executive Inspector
11 General; commissioners and employees of the Executive Ethics
12 Commission; the Auditor General's Inspector General; employees
13 of the Office of the Auditor General's Inspector General; the
14 Legislative Inspector General; any special Legislative
15 Inspectors General; employees of the Office of the Legislative
16 Inspector General; commissioners and employees of the
17 Legislative Ethics Commission; employees of any agency, board
18 or commission created by this Act; employees appointed to State
19 positions of a temporary or emergency nature; all employees of
20 school districts and higher education institutions except
21 firefighters and peace officers employed by a state university
22 and except peace officers employed by a school district in its
23 own police department in existence on the effective date of
24 this amendatory Act of the 96th General Assembly; managerial
25 employees; short-term employees; legislative liaisons; a
26 person who is a State employee under the jurisdiction of the

1 Office of the Attorney General who is licensed to practice law
2 or whose position authorizes, either directly or indirectly,
3 meaningful input into government decision-making on issues
4 where there is room for principled disagreement on goals or
5 their implementation; a person who is a State employee under
6 the jurisdiction of the Office of the Comptroller who holds the
7 position of Public Service Administrator or whose position is
8 otherwise exempt under the Comptroller Merit Employment Code; a
9 person who is a State employee under the jurisdiction of the
10 Secretary of State who holds the position classification of
11 Executive I or higher, whose position authorizes, either
12 directly or indirectly, meaningful input into government
13 decision-making on issues where there is room for principled
14 disagreement on goals or their implementation, or who is
15 otherwise exempt under the Secretary of State Merit Employment
16 Code; employees in the Office of the Secretary of State who are
17 completely exempt from jurisdiction B of the Secretary of State
18 Merit Employment Code and who are in Rutan-exempt positions on
19 or after April 5, 2013 (the effective date of Public Act
20 97-1172); a person who is a State employee under the
21 jurisdiction of the Treasurer who holds a position that is
22 exempt from the State Treasurer Employment Code; any employee
23 of a State agency who (i) holds the title or position of, or
24 exercises substantially similar duties as a legislative
25 liaison, Agency General Counsel, Agency Chief of Staff, Agency
26 Executive Director, Agency Deputy Director, Agency Chief

1 Fiscal Officer, Agency Human Resources Director, Public
2 Information Officer, or Chief Information Officer and (ii) was
3 neither included in a bargaining unit nor subject to an active
4 petition for certification in a bargaining unit; any employee
5 of a State agency who (i) is in a position that is
6 Rutan-exempt, as designated by the employer, and completely
7 exempt from jurisdiction B of the Personnel Code and (ii) was
8 neither included in a bargaining unit nor subject to an active
9 petition for certification in a bargaining unit; any term
10 appointed employee of a State agency pursuant to Section 8b.18
11 or 8b.19 of the Personnel Code who was neither included in a
12 bargaining unit nor subject to an active petition for
13 certification in a bargaining unit; any employment position
14 properly designated pursuant to Section 6.1 of this Act;
15 confidential employees; independent contractors; and
16 supervisors except as provided in this Act.

17 Home care and home health workers who function as personal
18 assistants and individual maintenance home health workers and
19 who also work under the Home Services Program under Section 3
20 of the Disabled Persons Rehabilitation Act shall not be
21 considered public employees for any purposes not specifically
22 provided for in Public Act 93-204 or Public Act 97-1158,
23 including but not limited to, purposes of vicarious liability
24 in tort and purposes of statutory retirement or health
25 insurance benefits. Home care and home health workers who
26 function as personal assistants and individual maintenance

1 home health workers and who also work under the Home Services
2 Program under Section 3 of the Disabled Persons Rehabilitation
3 Act shall not be covered by the State Employees Group Insurance
4 Act of 1971 (5 ILCS 375/).

5 Child and day care home providers shall not be considered
6 public employees for any purposes not specifically provided for
7 in this amendatory Act of the 94th General Assembly, including
8 but not limited to, purposes of vicarious liability in tort and
9 purposes of statutory retirement or health insurance benefits.
10 Child and day care home providers shall not be covered by the
11 State Employees Group Insurance Act of 1971.

12 Notwithstanding Section 9, subsection (c), or any other
13 provisions of this Act, all peace officers above the rank of
14 captain in municipalities with more than 1,000,000 inhabitants
15 shall be excluded from this Act.

16 (o) Except as otherwise in subsection (o-5), "public
17 employer" or "employer" means the State of Illinois; any
18 political subdivision of the State, unit of local government or
19 school district; authorities including departments, divisions,
20 bureaus, boards, commissions, or other agencies of the
21 foregoing entities; and any person acting within the scope of
22 his or her authority, express or implied, on behalf of those
23 entities in dealing with its employees. As of the effective
24 date of the amendatory Act of the 93rd General Assembly, but
25 not before, the State of Illinois shall be considered the
26 employer of the personal assistants working under the Home

1 Services Program under Section 3 of the Disabled Persons
2 Rehabilitation Act, subject to the limitations set forth in
3 this Act and in the Disabled Persons Rehabilitation Act. As of
4 January 29, 2013 (the effective date of Public Act 97-1158),
5 but not before except as otherwise provided in this subsection
6 (o), the State shall be considered the employer of home care
7 and home health workers who function as personal assistants and
8 individual maintenance home health workers and who also work
9 under the Home Services Program under Section 3 of the Disabled
10 Persons Rehabilitation Act, no matter whether the State
11 provides those services through direct fee-for-service
12 arrangements, with the assistance of a managed care
13 organization or other intermediary, or otherwise, but subject
14 to the limitations set forth in this Act and the Disabled
15 Persons Rehabilitation Act. The State shall not be considered
16 to be the employer of home care and home health workers who
17 function as personal assistants and individual maintenance
18 home health workers and who also work under the Home Services
19 Program under Section 3 of the Disabled Persons Rehabilitation
20 Act, for any purposes not specifically provided for in Public
21 Act 93-204 or Public Act 97-1158, including but not limited to,
22 purposes of vicarious liability in tort and purposes of
23 statutory retirement or health insurance benefits. Home care
24 and home health workers who function as personal assistants and
25 individual maintenance home health workers and who also work
26 under the Home Services Program under Section 3 of the Disabled

1 Persons Rehabilitation Act shall not be covered by the State
2 Employees Group Insurance Act of 1971 (5 ILCS 375/). As of the
3 effective date of this amendatory Act of the 94th General
4 Assembly but not before, the State of Illinois shall be
5 considered the employer of the day and child care home
6 providers participating in the child care assistance program
7 under Section 9A-11 of the Illinois Public Aid Code, subject to
8 the limitations set forth in this Act and in Section 9A-11 of
9 the Illinois Public Aid Code. The State shall not be considered
10 to be the employer of child and day care home providers for any
11 purposes not specifically provided for in this amendatory Act
12 of the 94th General Assembly, including but not limited to,
13 purposes of vicarious liability in tort and purposes of
14 statutory retirement or health insurance benefits. Child and
15 day care home providers shall not be covered by the State
16 Employees Group Insurance Act of 1971.

17 "Public employer" or "employer" as used in this Act,
18 however, does not mean and shall not include the General
19 Assembly of the State of Illinois, the Executive Ethics
20 Commission, the Offices of the Executive Inspectors General,
21 the Legislative Ethics Commission, the Office of the
22 Legislative Inspector General, the Office of the Auditor
23 General's Inspector General, the Office of the Governor, the
24 Governor's Office of Management and Budget, the Illinois
25 Finance Authority, the Office of the Lieutenant Governor, the
26 State Board of Elections, and educational employers or

1 employers as defined in the Illinois Educational Labor
2 Relations Act, except with respect to a state university in its
3 employment of firefighters and peace officers and except with
4 respect to a school district in the employment of peace
5 officers in its own police department in existence on the
6 effective date of this amendatory Act of the 96th General
7 Assembly. County boards and county sheriffs shall be designated
8 as joint or co-employers of county peace officers appointed
9 under the authority of a county sheriff. Nothing in this
10 subsection (o) shall be construed to prevent the State Panel or
11 the Local Panel from determining that employers are joint or
12 co-employers.

13 (o-5) With respect to wages, fringe benefits, hours,
14 holidays, vacations, proficiency examinations, sick leave, and
15 other conditions of employment, the public employer of public
16 employees who are court reporters, as defined in the Court
17 Reporters Act, shall be determined as follows:

18 (1) For court reporters employed by the Cook County
19 Judicial Circuit, the chief judge of the Cook County
20 Circuit Court is the public employer and employer
21 representative.

22 (2) For court reporters employed by the 12th, 18th,
23 19th, and, on and after December 4, 2006, the 22nd judicial
24 circuits, a group consisting of the chief judges of those
25 circuits, acting jointly by majority vote, is the public
26 employer and employer representative.

1 (3) For court reporters employed by all other judicial
2 circuits, a group consisting of the chief judges of those
3 circuits, acting jointly by majority vote, is the public
4 employer and employer representative.

5 (p) "Security employee" means an employee who is
6 responsible for the supervision and control of inmates at
7 correctional facilities. The term also includes other
8 non-security employees in bargaining units having the majority
9 of employees being responsible for the supervision and control
10 of inmates at correctional facilities.

11 (q) "Short-term employee" means an employee who is employed
12 for less than 2 consecutive calendar quarters during a calendar
13 year and who does not have a reasonable assurance that he or
14 she will be rehired by the same employer for the same service
15 in a subsequent calendar year.

16 (q-5) "State agency" means an agency directly responsible
17 to the Governor, as defined in Section 3.1 of the Executive
18 Reorganization Implementation Act, and the Illinois Commerce
19 Commission, the Illinois Workers' Compensation Commission, the
20 Civil Service Commission, the Pollution Control Board, the
21 Illinois Racing Board, and the Department of State Police Merit
22 Board.

23 (r) "Supervisor" is:

24 (1) An employee whose principal work is substantially
25 different from that of his or her subordinates and who has
26 authority, in the interest of the employer, to hire,

1 transfer, suspend, lay off, recall, promote, discharge,
2 direct, reward, or discipline employees, to adjust their
3 grievances, or to effectively recommend any of those
4 actions, if the exercise of that authority is not of a
5 merely routine or clerical nature, but requires the
6 consistent use of independent judgment. Except with
7 respect to police employment, the term "supervisor"
8 includes only those individuals who devote a preponderance
9 of their employment time to exercising that authority,
10 State supervisors notwithstanding. Nothing in this
11 definition prohibits an individual from also meeting the
12 definition of "managerial employee" under subsection (j)
13 of this Section. In addition, in determining supervisory
14 status in police employment, rank shall not be
15 determinative. The Board shall consider, as evidence of
16 bargaining unit inclusion or exclusion, the common law
17 enforcement policies and relationships between police
18 officer ranks and certification under applicable civil
19 service law, ordinances, personnel codes, or Division 2.1
20 of Article 10 of the Illinois Municipal Code, but these
21 factors shall not be the sole or predominant factors
22 considered by the Board in determining police supervisory
23 status.

24 Notwithstanding the provisions of the preceding
25 paragraph, in determining supervisory status in fire
26 fighter employment, no fire fighter shall be excluded as a

1 supervisor who has established representation rights under
2 Section 9 of this Act. Further, in new fire fighter units,
3 employees shall consist of fire fighters of the rank of
4 company officer and below. If a company officer otherwise
5 qualifies as a supervisor under the preceding paragraph,
6 however, he or she shall not be included in the fire
7 fighter unit. If there is no rank between that of chief and
8 the highest company officer, the employer may designate a
9 position on each shift as a Shift Commander, and the
10 persons occupying those positions shall be supervisors.
11 All other ranks above that of company officer shall be
12 supervisors.

13 (2) With respect only to State employees in positions
14 under the jurisdiction of the Attorney General, Secretary
15 of State, Comptroller, or Treasurer (i) that were certified
16 in a bargaining unit on or after December 2, 2008, (ii) for
17 which a petition is filed with the Illinois Public Labor
18 Relations Board on or after April 5, 2013 (the effective
19 date of Public Act 97-1172), or (iii) for which a petition
20 is pending before the Illinois Public Labor Relations Board
21 on that date, an employee who qualifies as a supervisor
22 under (A) Section 152 of the National Labor Relations Act
23 and (B) orders of the National Labor Relations Board
24 interpreting that provision or decisions of courts
25 reviewing decisions of the National Labor Relations Board.

26 (s)(1) "Unit" means a class of jobs or positions that are

1 held by employees whose collective interests may suitably be
2 represented by a labor organization for collective bargaining.
3 Except with respect to non-State fire fighters and paramedics
4 employed by fire departments and fire protection districts,
5 non-State peace officers, and peace officers in the Department
6 of State Police, a bargaining unit determined by the Board
7 shall not include both employees and supervisors, or
8 supervisors only, except as provided in paragraph (2) of this
9 subsection (s) and except for bargaining units in existence on
10 July 1, 1984 (the effective date of this Act). With respect to
11 non-State fire fighters and paramedics employed by fire
12 departments and fire protection districts, non-State peace
13 officers, and peace officers in the Department of State Police,
14 a bargaining unit determined by the Board shall not include
15 both supervisors and nonsupervisors, or supervisors only,
16 except as provided in paragraph (2) of this subsection (s) and
17 except for bargaining units in existence on January 1, 1986
18 (the effective date of this amendatory Act of 1985). A
19 bargaining unit determined by the Board to contain peace
20 officers shall contain no employees other than peace officers
21 unless otherwise agreed to by the employer and the labor
22 organization or labor organizations involved. Notwithstanding
23 any other provision of this Act, a bargaining unit, including a
24 historical bargaining unit, containing sworn peace officers of
25 the Department of Natural Resources (formerly designated the
26 Department of Conservation) shall contain no employees other

1 than such sworn peace officers upon the effective date of this
2 amendatory Act of 1990 or upon the expiration date of any
3 collective bargaining agreement in effect upon the effective
4 date of this amendatory Act of 1990 covering both such sworn
5 peace officers and other employees.

6 (2) Notwithstanding the exclusion of supervisors from
7 bargaining units as provided in paragraph (1) of this
8 subsection (s), a public employer may agree to permit its
9 supervisory employees to form bargaining units and may bargain
10 with those units. This Act shall apply if the public employer
11 chooses to bargain under this subsection.

12 (3) Public employees who are court reporters, as defined in
13 the Court Reporters Act, shall be divided into 3 units for
14 collective bargaining purposes. One unit shall be court
15 reporters employed by the Cook County Judicial Circuit; one
16 unit shall be court reporters employed by the 12th, 18th, 19th,
17 and, on and after December 4, 2006, the 22nd judicial circuits;
18 and one unit shall be court reporters employed by all other
19 judicial circuits.

20 (t) "Active petition for certification in a bargaining
21 unit" means a petition for certification filed with the Board
22 under one of the following case numbers: S-RC-11-110;
23 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
24 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
25 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
26 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;

1 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
2 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
3 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
4 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
5 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
6 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
7 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
8 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
9 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
10 S-RC-07-100.

11 (Source: P.A. 97-586, eff. 8-26-11; 97-1158, eff. 1-29-13;
12 97-1172, eff. 4-5-13; 98-100, eff. 7-19-13; 98-1004, eff.
13 8-18-14.)

14 (5 ILCS 315/4.1 new)

15 Sec. 4.1. Local election for permissive bargaining.

16 (a) This subsection (a) applies to each public employer
17 that (i) is a unit of local government, school district, or
18 community college district, and (ii) has been designated (A)
19 pursuant to this Section as a "permissive public employer", or
20 (B) pursuant to Section 4.7 of the Illinois Educational Labor
21 Relations Act as a "permissive educational employer". For the
22 purposes of this subsection (a), each such employer is referred
23 to as a "permissive public employer". With respect to a
24 permissive public employer, the provisions of this subsection
25 apply notwithstanding any other provision of this Act to the

1 contrary.

2 Notwithstanding Section 4 of this Act, every matter, other
3 than a matter that is a prohibited subject of bargaining
4 pursuant to Section 4.2 or pursuant to another provision of
5 this Act, is a permissive subject of bargaining between a
6 permissive public employer and an exclusive representative of
7 its public employees, including, but not limited to, wages,
8 hours, other terms and conditions of employment, and the impact
9 and implementation of each matter or changes related thereto,
10 and, for the purpose of this Act, are within the sole
11 discretion of the permissive public employer to decide to
12 bargain, notwithstanding whether the permissive public
13 employer previously bargained over that matter. It shall be
14 unlawful to engage in a strike over a permissive subject of
15 bargaining over which a permissive public employer has decided
16 not to bargain. Nothing in this Section shall be construed to
17 impair any contract existing on the date the public employer
18 becomes a permissive public employer or a permissive
19 educational employer during the term of that contract.

20 With respect to a public employer that has been designated
21 as a permissive public employer under this Section or a
22 permissive educational employer under Section 4.7 of the
23 Illinois Educational Labor Relations Act, the provisions of
24 this subsection (a) apply to both educational employees under
25 the Illinois Educational Labor Relations Act and public
26 employees under this Act.

1 (b) The governing authority of a unit of local government,
2 school district, or community college district may, by
3 ordinance or resolution, elect to be a permissive public
4 employer under, and be subject to the provisions of, subsection
5 (a) of this Section.

6 (c) If a petition, signed by a number of registered voters
7 equal in number to at least 5% of the total number of
8 registered voters in a unit of local government, school
9 district, or community college district asking that the unit of
10 local government, school district, or community college
11 district be a permissive public employer under, and be subject
12 to the provisions of, subsection (a) of this Section is
13 presented to the clerk of that unit of local government, school
14 district, or community college district, the clerk shall
15 certify the question of whether that unit of local government,
16 school district, or community college district should be a
17 permissive public employer and subject to such provisions to
18 the proper election authority, who shall submit the question at
19 the next election in accordance with the general election law.

20 The question of whether the unit of local government,
21 school district, or community college district shall be a
22 permissive public employer under, and be subject to the
23 provisions of, subsection (a) of this Section shall be
24 presented in substantially the following form:

25 Shall (the legal name of the unit of local government,
26 school district, or community college district) be subject

1 to the provisions of subsection (a) of Section 4.1 of the
2 Illinois Public Labor Relations Act, such that (the legal
3 name of the unit of local government, school district, or
4 community college district) would have discretion to
5 determine over which matters it will bargain with labor
6 organizations representing its employees?

7 The votes must be recorded as "Yes" or "No". If a majority
8 of voters voting on the question are in favor of causing the
9 unit of local government, school district, or community college
10 district to be subject to subsection (a) of this Section, the
11 unit of local government, school district, or community college
12 district shall be a permissive public employer under, and be
13 subject to the provisions of, subsection (a) of this Section.

14 (5 ILCS 315/4.2 new)

15 Sec. 4.2. Local election to prohibit certain subjects of
16 bargaining.

17 (a) Notwithstanding any other provision of this Act to the
18 contrary, a public employer that is a unit of local government,
19 school district, or community college district may not bargain
20 with an exclusive representative of its public employees over
21 the following subjects if and to the extent that (i) the
22 governing authority of that unit of local government, school
23 district, or community college district, by ordinance or
24 resolution, decides to prohibit bargaining these subjects, or
25 (ii) the voters of that unit of local government, school

1 district, or community college district have decided by
2 referendum conducted pursuant to subsection (b) of this Section
3 to prohibit bargaining on:

4 (1) the decision of the employer to contract with a
5 third party for any services, the process for bidding on
6 such a contract, the identity of the provider of such
7 services, or the effect of any such contract on bargaining
8 unit members, provided that this subsection does not limit
9 the ability of employees or a labor organization to bid on
10 any such contract;

11 (2) the payment of wages and benefits in the aggregate
12 to all employees of the employer in excess of the budgeted
13 amount specified by ordinance or resolution of the
14 governing authority of the employer;

15 (3) the provision of any health insurance, including
16 the payment of premiums, the extent of coverage, or the
17 identity of the insurer;

18 (4) the use of employee time for business of the labor
19 organization, other than reasonable time provided to an
20 employee to attend a grievance hearing when his or her
21 rights are substantially affected by the hearing or his or
22 her testimony is needed for the determination of any
23 substantial factual question;

24 (5) required levels of staffing for departments,
25 divisions, shifts, stations, or assignments; or

26 (6) procedures, processes, forms, and criteria for

1 personnel evaluations, or the use of evaluations or
2 seniority in assignments, promotions, layoffs, and
3 reductions-in-force.

4 (b) If a petition, signed by a number of registered voters
5 equal in number to at least 5% of the total number of
6 registered voters in a unit of local government, school
7 district, or community college district, asking to prohibit a
8 specific subject of collective bargaining by that is presented
9 to the clerk of that unit of local government, school district,
10 or community district, the clerk shall certify that question to
11 the proper election authority, who shall submit the question at
12 the next election in accordance with the general election law.

13 The petition shall specify the specific subject of
14 collective bargaining to be prohibited, as set out in
15 paragraphs (1) through (6) of subsection (a) of this Section.
16 Each such paragraph is a separate subject of collective
17 bargaining. Each petition may propose to prohibit collective
18 bargaining of one subject.

19 The question of whether to prohibit a specific subject of
20 collective bargaining shall be presented in substantially the
21 following form:

22 Shall (insert the legal name of the unit of local
23 government, school district, or community college
24 district) be prohibited from collectively bargaining with
25 labor organizations representing its employees over
26 (insert the specific subject under subsection (a) of this

1 Section)?

2 The votes must be recorded as "Yes" or "No". If a majority
3 of voters voting on the question are in favor of prohibiting
4 collective bargaining over that subject, that unit of local
5 government, school district, or community college district may
6 not bargain with an exclusive representative of its public
7 employees over that subject.

8 The prohibition under this Section applies to both
9 educational employees under the Illinois Educational Labor
10 Relations Act and public employees under this Act.

11 (5 ILCS 315/6) (from Ch. 48, par. 1606)

12 Sec. 6. Right to organize and bargain collectively;
13 exclusive representation; and fair share arrangements.

14 (a) Employees of the State and any political subdivision of
15 the State, excluding employees of the General Assembly of the
16 State of Illinois and employees excluded from the definition of
17 "public employee" under subsection (n) of Section 3 of this
18 Act, have, and are protected in the exercise of, the right of
19 self-organization, and may form, join or assist any labor
20 organization, to bargain collectively through representatives
21 of their own choosing on questions of wages, hours and other
22 conditions of employment, not excluded by Section 4, Section
23 4.1, or Section 4.2 of this Act, and to engage in other
24 concerted activities not otherwise prohibited by law for the
25 purposes of collective bargaining or other mutual aid or

1 protection, free from interference, restraint or coercion.
2 Employees also have, and are protected in the exercise of, the
3 right to refrain from participating in any such concerted
4 activities. Employees may be required, pursuant to the terms of
5 a lawful fair share agreement, to pay a fee which shall be
6 their proportionate share of the costs of the collective
7 bargaining process, contract administration and pursuing
8 matters affecting wages, hours and other conditions of
9 employment as defined in Section 3(g).

10 (b) Nothing in this Act prevents an employee from
11 presenting a grievance to the employer and having the grievance
12 heard and settled without the intervention of an employee
13 organization; provided that the exclusive bargaining
14 representative is afforded the opportunity to be present at
15 such conference and that any settlement made shall not be
16 inconsistent with the terms of any agreement in effect between
17 the employer and the exclusive bargaining representative.

18 (c) A labor organization designated by the Board as the
19 representative of the majority of public employees in an
20 appropriate unit in accordance with the procedures herein or
21 recognized by a public employer as the representative of the
22 majority of public employees in an appropriate unit is the
23 exclusive representative for the employees of such unit for the
24 purpose of collective bargaining with respect to rates of pay,
25 wages, hours and other conditions of employment not excluded by
26 Section 4, Section 4.1, or Section 4.2 of this Act. A public

1 employer is required upon request to furnish the exclusive
2 bargaining representative with a complete list of the names and
3 addresses of the public employees in the bargaining unit,
4 provided that a public employer shall not be required to
5 furnish such a list more than once per payroll period. The
6 exclusive bargaining representative shall use the list
7 exclusively for bargaining representation purposes and shall
8 not disclose any information contained in the list for any
9 other purpose. Nothing in this Section, however, shall prohibit
10 a bargaining representative from disseminating a list of its
11 union members.

12 (d) Labor organizations recognized by a public employer as
13 the exclusive representative or so designated in accordance
14 with the provisions of this Act are responsible for
15 representing the interests of all public employees in the unit.
16 Nothing herein shall be construed to limit an exclusive
17 representative's right to exercise its discretion to refuse to
18 process grievances of employees that are unmeritorious.

19 (e) When a collective bargaining agreement is entered into
20 with an exclusive representative, it may include in the
21 agreement a provision requiring employees covered by the
22 agreement who are not members of the organization to pay their
23 proportionate share of the costs of the collective bargaining
24 process, contract administration and pursuing matters
25 affecting wages, hours and conditions of employment, as defined
26 in Section 3 (g), but not to exceed the amount of dues

1 uniformly required of members. The organization shall certify
2 to the employer the amount constituting each nonmember
3 employee's proportionate share which shall not exceed dues
4 uniformly required of members. In such case, the proportionate
5 share payment in this Section shall be deducted by the employer
6 from the earnings of the nonmember employees and paid to the
7 employee organization.

8 (f) Only the exclusive representative may negotiate
9 provisions in a collective bargaining agreement providing for
10 the payroll deduction of labor organization dues, fair share
11 payment, initiation fees and assessments. Except as provided in
12 subsection (e) of this Section, any such deductions shall only
13 be made upon an employee's written authorization, and continued
14 until revoked in writing in the same manner or until the
15 termination date of an applicable collective bargaining
16 agreement. Such payments shall be paid to the exclusive
17 representative.

18 Where a collective bargaining agreement is terminated, or
19 continues in effect beyond its scheduled expiration date
20 pending the negotiation of a successor agreement or the
21 resolution of an impasse under Section 14, the employer shall
22 continue to honor and abide by any dues deduction or fair share
23 clause contained therein until a new agreement is reached
24 including dues deduction or a fair share clause. For the
25 benefit of any successor exclusive representative certified
26 under this Act, this provision shall be applicable, provided

1 the successor exclusive representative:

2 (i) certifies to the employer the amount constituting
3 each non-member's proportionate share under subsection
4 (e); or

5 (ii) presents the employer with employee written
6 authorizations for the deduction of dues, assessments, and
7 fees under this subsection.

8 Failure to so honor and abide by dues deduction or fair
9 share clauses for the benefit of any exclusive representative,
10 including a successor, shall be a violation of the duty to
11 bargain and an unfair labor practice.

12 (g) Agreements containing a fair share agreement must
13 safeguard the right of nonassociation of employees based upon
14 bona fide religious tenets or teachings of a church or
15 religious body of which such employees are members. Such
16 employees may be required to pay an amount equal to their fair
17 share, determined under a lawful fair share agreement, to a
18 nonreligious charitable organization mutually agreed upon by
19 the employees affected and the exclusive bargaining
20 representative to which such employees would otherwise pay such
21 service fee. If the affected employees and the bargaining
22 representative are unable to reach an agreement on the matter,
23 the Board may establish an approved list of charitable
24 organizations to which such payments may be made.

25 (Source: P.A. 97-1172, eff. 4-5-13.)

1 (5 ILCS 315/7) (from Ch. 48, par. 1607)

2 Sec. 7. Duty to bargain. A public employer and the
3 exclusive representative have the authority and the duty to
4 bargain collectively set forth in this Section.

5 For the purposes of this Act, "to bargain collectively"
6 means the performance of the mutual obligation of the public
7 employer or his designated representative and the
8 representative of the public employees to meet at reasonable
9 times, including meetings in advance of the budget-making
10 process, and to negotiate in good faith with respect to wages,
11 hours, and other conditions of employment, not excluded by
12 Section 4, Section 4.1, or Section 4.2 of this Act, or the
13 negotiation of an agreement, or any question arising thereunder
14 and the execution of a written contract incorporating any
15 agreement reached if requested by either party, but such
16 obligation does not compel either party to agree to a proposal
17 or require the making of a concession.

18 The duty "to bargain collectively" shall also include an
19 obligation to negotiate over any matter with respect to wages,
20 hours and other conditions of employment, not specifically
21 provided for in any other law or not specifically in violation
22 of the provisions of any law. If any other law pertains, in
23 part, to a matter affecting the wages, hours and other
24 conditions of employment, such other law shall not be construed
25 as limiting the duty "to bargain collectively" and to enter
26 into collective bargaining agreements containing clauses which

1 either supplement, implement, or relate to the effect of such
2 provisions in other laws.

3 The duty "to bargain collectively" shall also include
4 negotiations as to the terms of a collective bargaining
5 agreement. The parties may, by mutual agreement, provide for
6 arbitration of impasses resulting from their inability to agree
7 upon wages, hours and terms and conditions of employment to be
8 included in a collective bargaining agreement. Such
9 arbitration provisions shall be subject to the Illinois
10 "Uniform Arbitration Act" unless agreed by the parties.

11 The duty "to bargain collectively" shall also mean that no
12 party to a collective bargaining contract shall terminate or
13 modify such contract, unless the party desiring such
14 termination or modification:

15 (1) serves a written notice upon the other party to the
16 contract of the proposed termination or modification 60
17 days prior to the expiration date thereof, or in the event
18 such contract contains no expiration date, 60 days prior to
19 the time it is proposed to make such termination or
20 modification;

21 (2) offers to meet and confer with the other party for
22 the purpose of negotiating a new contract or a contract
23 containing the proposed modifications;

24 (3) notifies the Board within 30 days after such notice
25 of the existence of a dispute, provided no agreement has
26 been reached by that time; and

1 (4) continues in full force and effect, without
2 resorting to strike or lockout, all the terms and
3 conditions of the existing contract for a period of 60 days
4 after such notice is given to the other party or until the
5 expiration date of such contract, whichever occurs later.

6 The duties imposed upon employers, employees and labor
7 organizations by paragraphs (2), (3) and (4) shall become
8 inapplicable upon an intervening certification of the Board,
9 under which the labor organization, which is a party to the
10 contract, has been superseded as or ceased to be the exclusive
11 representative of the employees pursuant to the provisions of
12 subsection (a) of Section 9, and the duties so imposed shall
13 not be construed as requiring either party to discuss or agree
14 to any modification of the terms and conditions contained in a
15 contract for a fixed period, if such modification is to become
16 effective before such terms and conditions can be reopened
17 under the provisions of the contract.

18 Collective bargaining for home care and home health workers
19 who function as personal assistants and individual maintenance
20 home health workers under the Home Services Program shall be
21 limited to the terms and conditions of employment under the
22 State's control, as defined in Public Act 93-204 or this
23 amendatory Act of the 97th General Assembly, as applicable.

24 Collective bargaining for child and day care home providers
25 under the child care assistance program shall be limited to the
26 terms and conditions of employment under the State's control,

1 as defined in this amendatory Act of the 94th General Assembly.

2 Notwithstanding any other provision of this Section,
3 whenever collective bargaining is for the purpose of
4 establishing an initial agreement following original
5 certification of units with fewer than 35 employees, with
6 respect to public employees other than peace officers, fire
7 fighters, and security employees, the following apply:

8 (1) Not later than 10 days after receiving a written
9 request for collective bargaining from a labor
10 organization that has been newly certified as a
11 representative as defined in Section 6(c), or within such
12 further period as the parties agree upon, the parties shall
13 meet and commence to bargain collectively and shall make
14 every reasonable effort to conclude and sign a collective
15 bargaining agreement.

16 (2) If anytime after the expiration of the 90-day
17 period beginning on the date on which bargaining is
18 commenced the parties have failed to reach an agreement,
19 either party may notify the Illinois Public Labor Relations
20 Board of the existence of a dispute and request mediation
21 in accordance with the provisions of Section 14 of this
22 Act.

23 (3) If after the expiration of the 30-day period
24 beginning on the date on which mediation commenced, or such
25 additional period as the parties may agree upon, the
26 mediator is not able to bring the parties to agreement by

1 conciliation, either the exclusive representative of the
2 employees or the employer may request of the other, in
3 writing, arbitration and shall submit a copy of the request
4 to the board. Upon submission of the request for
5 arbitration, the parties shall be required to participate
6 in the impasse arbitration procedures set forth in Section
7 14 of this Act, except the right to strike shall not be
8 considered waived pursuant to Section 17 of this Act, until
9 the actual convening of the arbitration hearing.

10 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

11 Section 5-10. The Property Tax Code is amended by changing
12 Sections 18-185, 18-205, and 18-214 and by adding Section
13 18-242 as follows:

14 (35 ILCS 200/18-185)

15 Sec. 18-185. Short title; definitions. This Division 5 may
16 be cited as the Property Tax Extension Limitation Law. As used
17 in this Division 5:

18 "Consumer Price Index" means the Consumer Price Index for
19 All Urban Consumers for all items published by the United
20 States Department of Labor.

21 "Extension limitation", for levy years prior to 2016, levy
22 year 2018, and all levy years thereafter, means (a) the lesser
23 of 5% or the percentage increase in the Consumer Price Index
24 during the 12-month calendar year preceding the levy year or

1 (b) the rate of increase approved by voters under Section
2 18-205.

3 "Extension limitation", for levy year 2016 and levy year
4 2017, means (a) 0% or (b) the rate of increase approved by the
5 voters under Section 18-205.

6 "Affected county" means a county of 3,000,000 or more
7 inhabitants or a county contiguous to a county of 3,000,000 or
8 more inhabitants.

9 "Taxing district" has the same meaning provided in Section
10 1-150, except as otherwise provided in this Section. For the
11 1991 through 1994 levy years only, "taxing district" includes
12 only each non-home rule taxing district having the majority of
13 its 1990 equalized assessed value within any county or counties
14 contiguous to a county with 3,000,000 or more inhabitants.
15 Beginning with the 1995 levy year and through the 2015 levy
16 year, and beginning with the 2018 levy year, "taxing district"
17 includes only each non-home rule taxing district subject to
18 this Law before the 1995 levy year and each non-home rule
19 taxing district not subject to this Law before the 1995 levy
20 year having the majority of its 1994 equalized assessed value
21 in an affected county or counties. Beginning with the levy year
22 in which this Law becomes applicable to a taxing district as
23 provided in Section 18-213, "taxing district" also includes
24 those taxing districts made subject to this Law as provided in
25 Section 18-213. For the 2016 levy year and the 2017 levy year,
26 "taxing district" means each unit of local government, school

1 district, or community college district in the State with the
2 power to levy taxes, including, but not limited to, home rule
3 units and taxing districts that were not subject to this Law
4 prior to the 2016 levy year.

5 "Aggregate extension" for taxing districts to which this
6 Law applied before the 1995 levy year means the annual
7 corporate extension for the taxing district and those special
8 purpose extensions that are made annually for the taxing
9 district, excluding special purpose extensions: (a) made for
10 the taxing district to pay interest or principal on general
11 obligation bonds that were approved by referendum; (b) made for
12 any taxing district to pay interest or principal on general
13 obligation bonds issued before October 1, 1991; (c) made for
14 any taxing district to pay interest or principal on bonds
15 issued to refund or continue to refund those bonds issued
16 before October 1, 1991; (d) made for any taxing district to pay
17 interest or principal on bonds issued to refund or continue to
18 refund bonds issued after October 1, 1991 that were approved by
19 referendum; (e) made for any taxing district to pay interest or
20 principal on revenue bonds issued before October 1, 1991 for
21 payment of which a property tax levy or the full faith and
22 credit of the unit of local government is pledged; however, a
23 tax for the payment of interest or principal on those bonds
24 shall be made only after the governing body of the unit of
25 local government finds that all other sources for payment are
26 insufficient to make those payments; (f) made for payments

1 under a building commission lease when the lease payments are
2 for the retirement of bonds issued by the commission before
3 October 1, 1991, to pay for the building project; (g) made for
4 payments due under installment contracts entered into before
5 October 1, 1991; (h) made for payments of principal and
6 interest on bonds issued under the Metropolitan Water
7 Reclamation District Act to finance construction projects
8 initiated before October 1, 1991; (i) made for payments of
9 principal and interest on limited bonds, as defined in Section
10 3 of the Local Government Debt Reform Act, in an amount not to
11 exceed the debt service extension base less the amount in items
12 (b), (c), (e), and (h) of this definition for non-referendum
13 obligations, except obligations initially issued pursuant to
14 referendum; (j) made for payments of principal and interest on
15 bonds issued under Section 15 of the Local Government Debt
16 Reform Act; (k) made by a school district that participates in
17 the Special Education District of Lake County, created by
18 special education joint agreement under Section 10-22.31 of the
19 School Code, for payment of the school district's share of the
20 amounts required to be contributed by the Special Education
21 District of Lake County to the Illinois Municipal Retirement
22 Fund under Article 7 of the Illinois Pension Code; the amount
23 of any extension under this item (k) shall be certified by the
24 school district to the county clerk; (l) made to fund expenses
25 of providing joint recreational programs for the handicapped
26 under Section 5-8 of the Park District Code or Section 11-95-14

1 of the Illinois Municipal Code; (m) made for temporary
2 relocation loan repayment purposes pursuant to Sections 2-3.77
3 and 17-2.2d of the School Code; (n) made for payment of
4 principal and interest on any bonds issued under the authority
5 of Section 17-2.2d of the School Code; (o) made for
6 contributions to a firefighter's pension fund created under
7 Article 4 of the Illinois Pension Code, to the extent of the
8 amount certified under item (5) of Section 4-134 of the
9 Illinois Pension Code; and (p) made for road purposes in the
10 first year after a township assumes the rights, powers, duties,
11 assets, property, liabilities, obligations, and
12 responsibilities of a road district abolished under the
13 provisions of Section 6-133 of the Illinois Highway Code.

14 "Aggregate extension" for the taxing districts to which
15 this Law did not apply before the 1995 levy year (except taxing
16 districts subject to this Law in accordance with Section 18-213
17 or this amendatory Act of the 99th General Assembly) means the
18 annual corporate extension for the taxing district and those
19 special purpose extensions that are made annually for the
20 taxing district, excluding special purpose extensions: (a)
21 made for the taxing district to pay interest or principal on
22 general obligation bonds that were approved by referendum; (b)
23 made for any taxing district to pay interest or principal on
24 general obligation bonds issued before March 1, 1995; (c) made
25 for any taxing district to pay interest or principal on bonds
26 issued to refund or continue to refund those bonds issued

1 before March 1, 1995; (d) made for any taxing district to pay
2 interest or principal on bonds issued to refund or continue to
3 refund bonds issued after March 1, 1995 that were approved by
4 referendum; (e) made for any taxing district to pay interest or
5 principal on revenue bonds issued before March 1, 1995 for
6 payment of which a property tax levy or the full faith and
7 credit of the unit of local government is pledged; however, a
8 tax for the payment of interest or principal on those bonds
9 shall be made only after the governing body of the unit of
10 local government finds that all other sources for payment are
11 insufficient to make those payments; (f) made for payments
12 under a building commission lease when the lease payments are
13 for the retirement of bonds issued by the commission before
14 March 1, 1995 to pay for the building project; (g) made for
15 payments due under installment contracts entered into before
16 March 1, 1995; (h) made for payments of principal and interest
17 on bonds issued under the Metropolitan Water Reclamation
18 District Act to finance construction projects initiated before
19 October 1, 1991; (h-4) made for stormwater management purposes
20 by the Metropolitan Water Reclamation District of Greater
21 Chicago under Section 12 of the Metropolitan Water Reclamation
22 District Act; (i) made for payments of principal and interest
23 on limited bonds, as defined in Section 3 of the Local
24 Government Debt Reform Act, in an amount not to exceed the debt
25 service extension base less the amount in items (b), (c), and
26 (e) of this definition for non-referendum obligations, except

1 obligations initially issued pursuant to referendum and bonds
2 described in subsection (h) of this definition; (j) made for
3 payments of principal and interest on bonds issued under
4 Section 15 of the Local Government Debt Reform Act; (k) made
5 for payments of principal and interest on bonds authorized by
6 Public Act 88-503 and issued under Section 20a of the Chicago
7 Park District Act for aquarium or museum projects; (l) made for
8 payments of principal and interest on bonds authorized by
9 Public Act 87-1191 or 93-601 and (i) issued pursuant to Section
10 21.2 of the Cook County Forest Preserve District Act, (ii)
11 issued under Section 42 of the Cook County Forest Preserve
12 District Act for zoological park projects, or (iii) issued
13 under Section 44.1 of the Cook County Forest Preserve District
14 Act for botanical gardens projects; (m) made pursuant to
15 Section 34-53.5 of the School Code, whether levied annually or
16 not; (n) made to fund expenses of providing joint recreational
17 programs for the handicapped under Section 5-8 of the Park
18 District Code or Section 11-95-14 of the Illinois Municipal
19 Code; (o) made by the Chicago Park District for recreational
20 programs for the handicapped under subsection (c) of Section
21 7.06 of the Chicago Park District Act; (p) made for
22 contributions to a firefighter's pension fund created under
23 Article 4 of the Illinois Pension Code, to the extent of the
24 amount certified under item (5) of Section 4-134 of the
25 Illinois Pension Code; and (q) made by Ford Heights School
26 District 169 under Section 17-9.02 of the School Code.

1 "Aggregate extension" for all taxing districts to which
2 this Law applies in accordance with Section 18-213, except for
3 those taxing districts subject to paragraph (2) of subsection
4 (e) of Section 18-213, means the annual corporate extension for
5 the taxing district and those special purpose extensions that
6 are made annually for the taxing district, excluding special
7 purpose extensions: (a) made for the taxing district to pay
8 interest or principal on general obligation bonds that were
9 approved by referendum; (b) made for any taxing district to pay
10 interest or principal on general obligation bonds issued before
11 the date on which the referendum making this Law applicable to
12 the taxing district is held; (c) made for any taxing district
13 to pay interest or principal on bonds issued to refund or
14 continue to refund those bonds issued before the date on which
15 the referendum making this Law applicable to the taxing
16 district is held; (d) made for any taxing district to pay
17 interest or principal on bonds issued to refund or continue to
18 refund bonds issued after the date on which the referendum
19 making this Law applicable to the taxing district is held if
20 the bonds were approved by referendum after the date on which
21 the referendum making this Law applicable to the taxing
22 district is held; (e) made for any taxing district to pay
23 interest or principal on revenue bonds issued before the date
24 on which the referendum making this Law applicable to the
25 taxing district is held for payment of which a property tax
26 levy or the full faith and credit of the unit of local

1 government is pledged; however, a tax for the payment of
2 interest or principal on those bonds shall be made only after
3 the governing body of the unit of local government finds that
4 all other sources for payment are insufficient to make those
5 payments; (f) made for payments under a building commission
6 lease when the lease payments are for the retirement of bonds
7 issued by the commission before the date on which the
8 referendum making this Law applicable to the taxing district is
9 held to pay for the building project; (g) made for payments due
10 under installment contracts entered into before the date on
11 which the referendum making this Law applicable to the taxing
12 district is held; (h) made for payments of principal and
13 interest on limited bonds, as defined in Section 3 of the Local
14 Government Debt Reform Act, in an amount not to exceed the debt
15 service extension base less the amount in items (b), (c), and
16 (e) of this definition for non-referendum obligations, except
17 obligations initially issued pursuant to referendum; (i) made
18 for payments of principal and interest on bonds issued under
19 Section 15 of the Local Government Debt Reform Act; (j) made
20 for a qualified airport authority to pay interest or principal
21 on general obligation bonds issued for the purpose of paying
22 obligations due under, or financing airport facilities
23 required to be acquired, constructed, installed or equipped
24 pursuant to, contracts entered into before March 1, 1996 (but
25 not including any amendments to such a contract taking effect
26 on or after that date); (k) made to fund expenses of providing

1 joint recreational programs for the handicapped under Section
2 5-8 of the Park District Code or Section 11-95-14 of the
3 Illinois Municipal Code; (l) made for contributions to a
4 firefighter's pension fund created under Article 4 of the
5 Illinois Pension Code, to the extent of the amount certified
6 under item (5) of Section 4-134 of the Illinois Pension Code;
7 and (m) made for the taxing district to pay interest or
8 principal on general obligation bonds issued pursuant to
9 Section 19-3.10 of the School Code.

10 "Aggregate extension" for all taxing districts to which
11 this Law applies in accordance with paragraph (2) of subsection
12 (e) of Section 18-213 means the annual corporate extension for
13 the taxing district and those special purpose extensions that
14 are made annually for the taxing district, excluding special
15 purpose extensions: (a) made for the taxing district to pay
16 interest or principal on general obligation bonds that were
17 approved by referendum; (b) made for any taxing district to pay
18 interest or principal on general obligation bonds issued before
19 the effective date of this amendatory Act of 1997; (c) made for
20 any taxing district to pay interest or principal on bonds
21 issued to refund or continue to refund those bonds issued
22 before the effective date of this amendatory Act of 1997; (d)
23 made for any taxing district to pay interest or principal on
24 bonds issued to refund or continue to refund bonds issued after
25 the effective date of this amendatory Act of 1997 if the bonds
26 were approved by referendum after the effective date of this

1 amendatory Act of 1997; (e) made for any taxing district to pay
2 interest or principal on revenue bonds issued before the
3 effective date of this amendatory Act of 1997 for payment of
4 which a property tax levy or the full faith and credit of the
5 unit of local government is pledged; however, a tax for the
6 payment of interest or principal on those bonds shall be made
7 only after the governing body of the unit of local government
8 finds that all other sources for payment are insufficient to
9 make those payments; (f) made for payments under a building
10 commission lease when the lease payments are for the retirement
11 of bonds issued by the commission before the effective date of
12 this amendatory Act of 1997 to pay for the building project;
13 (g) made for payments due under installment contracts entered
14 into before the effective date of this amendatory Act of 1997;
15 (h) made for payments of principal and interest on limited
16 bonds, as defined in Section 3 of the Local Government Debt
17 Reform Act, in an amount not to exceed the debt service
18 extension base less the amount in items (b), (c), and (e) of
19 this definition for non-referendum obligations, except
20 obligations initially issued pursuant to referendum; (i) made
21 for payments of principal and interest on bonds issued under
22 Section 15 of the Local Government Debt Reform Act; (j) made
23 for a qualified airport authority to pay interest or principal
24 on general obligation bonds issued for the purpose of paying
25 obligations due under, or financing airport facilities
26 required to be acquired, constructed, installed or equipped

1 pursuant to, contracts entered into before March 1, 1996 (but
2 not including any amendments to such a contract taking effect
3 on or after that date); (k) made to fund expenses of providing
4 joint recreational programs for the handicapped under Section
5 5-8 of the Park District Code or Section 11-95-14 of the
6 Illinois Municipal Code; and (l) made for contributions to a
7 firefighter's pension fund created under Article 4 of the
8 Illinois Pension Code, to the extent of the amount certified
9 under item (5) of Section 4-134 of the Illinois Pension Code.

10 "Aggregate extension" for all taxing districts to which
11 this Law did not apply before the 2016 levy year means for levy
12 years 2016 and 2017, the annual corporate extension for the
13 taxing district and those special purpose extensions that are
14 made annually for the taxing district, excluding special
15 purpose extensions: (a) made for the taxing district to pay
16 interest or principal on general obligation bonds that were
17 approved by referendum; (b) made for any taxing district to pay
18 interest or principal on general obligation bonds issued before
19 March 1, 2016; (c) made for any taxing district to pay interest
20 or principal on bonds issued to refund or continue to refund
21 those bonds issued before March 1, 2016; (d) made for any
22 taxing district to pay interest or principal on bonds issued to
23 refund or continue to refund bonds issued after February 28,
24 2016 that were approved by referendum; (e) made for any taxing
25 district to pay interest or principal on revenue bonds issued
26 before March 1, 2016 for payment of which a property tax levy

1 or the full faith and credit of the unit of local government is
2 pledged; however, a tax for the payment of interest or
3 principal on those bonds shall be made only after the governing
4 body of the unit of local government finds that all other
5 sources for payment are insufficient to make those payments;
6 (f) made for payments under a building commission lease when
7 the lease payments are for the retirement of bonds issued by
8 the commission before March 1, 2016 to pay for the building
9 project; (g) made for payments due under installment contracts
10 entered into before March 1, 2016; (h) made for payments of
11 principal and interest on limited bonds, as defined in Section
12 3 of the Local Government Debt Reform Act, in an amount not to
13 exceed the debt service extension base less the amount in items
14 (b), (c), and (e) of this definition for non-referendum
15 obligations, except obligations initially issued pursuant to
16 referendum; (i) made for payments of principal and interest on
17 bonds issued under Section 15 of the Local Government Debt
18 Reform Act; (j) made to fund expenses of providing joint
19 recreational programs for the handicapped under Section 5-8 of
20 the Park District Code or Section 11-95-14 of the Illinois
21 Municipal Code; (k) made for temporary relocation loan
22 repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of
23 the School Code; (l) made for payment of principal and interest
24 on any bonds issued under the authority of Section 17-2.2d of
25 the School Code; and (m) made for contributions to a
26 firefighter's pension fund created under Article 4 of the

1 Illinois Pension Code, to the extent of the amount certified
2 under item (5) of Section 4-134 of the Illinois Pension Code.

3 "Debt service extension base" means an amount equal to that
4 portion of the extension for a taxing district for the 1994
5 levy year, or for those taxing districts subject to this Law in
6 accordance with Section 18-213, except for those subject to
7 paragraph (2) of subsection (e) of Section 18-213, for the levy
8 year in which the referendum making this Law applicable to the
9 taxing district is held, or for those taxing districts subject
10 to this Law in accordance with paragraph (2) of subsection (e)
11 of Section 18-213 for the 1996 levy year, or for those taxing
12 districts to which this Law did not apply before the 2016 levy
13 year for the 2015 levy year, constituting an extension for
14 payment of principal and interest on bonds issued by the taxing
15 district without referendum, but not including excluded
16 non-referendum bonds. For park districts (i) that were first
17 subject to this Law in 1991 or 1995 and (ii) whose extension
18 for the 1994 levy year for the payment of principal and
19 interest on bonds issued by the park district without
20 referendum (but not including excluded non-referendum bonds)
21 was less than 51% of the amount for the 1991 levy year
22 constituting an extension for payment of principal and interest
23 on bonds issued by the park district without referendum (but
24 not including excluded non-referendum bonds), "debt service
25 extension base" means an amount equal to that portion of the
26 extension for the 1991 levy year constituting an extension for

1 payment of principal and interest on bonds issued by the park
2 district without referendum (but not including excluded
3 non-referendum bonds). A debt service extension base
4 established or increased at any time pursuant to any provision
5 of this Law, except Section 18-212, shall be increased each
6 year commencing with the later of (i) the 2009 levy year or
7 (ii) the first levy year in which this Law becomes applicable
8 to the taxing district, by the lesser of 5% or the percentage
9 increase in the Consumer Price Index during the 12-month
10 calendar year preceding the levy year. The debt service
11 extension base may be established or increased as provided
12 under Section 18-212. "Excluded non-referendum bonds" means
13 (i) bonds authorized by Public Act 88-503 and issued under
14 Section 20a of the Chicago Park District Act for aquarium and
15 museum projects; (ii) bonds issued under Section 15 of the
16 Local Government Debt Reform Act; or (iii) refunding
17 obligations issued to refund or to continue to refund
18 obligations initially issued pursuant to referendum.

19 "Special purpose extensions" include, but are not limited
20 to, extensions for levies made on an annual basis for
21 unemployment and workers' compensation, self-insurance,
22 contributions to pension plans, and extensions made pursuant to
23 Section 6-601 of the Illinois Highway Code for a road
24 district's permanent road fund whether levied annually or not.
25 The extension for a special service area is not included in the
26 aggregate extension.

1 "Aggregate extension base" means the taxing district's
2 last preceding aggregate extension as adjusted under Sections
3 18-135, 18-215, and 18-230. An adjustment under Section 18-135
4 shall be made for the 2007 levy year and all subsequent levy
5 years whenever one or more counties within which a taxing
6 district is located (i) used estimated valuations or rates when
7 extending taxes in the taxing district for the last preceding
8 levy year that resulted in the over or under extension of
9 taxes, or (ii) increased or decreased the tax extension for the
10 last preceding levy year as required by Section 18-135(c).
11 Whenever an adjustment is required under Section 18-135, the
12 aggregate extension base of the taxing district shall be equal
13 to the amount that the aggregate extension of the taxing
14 district would have been for the last preceding levy year if
15 either or both (i) actual, rather than estimated, valuations or
16 rates had been used to calculate the extension of taxes for the
17 last levy year, or (ii) the tax extension for the last
18 preceding levy year had not been adjusted as required by
19 subsection (c) of Section 18-135.

20 Notwithstanding any other provision of law, for levy year
21 2012, the aggregate extension base for West Northfield School
22 District No. 31 in Cook County shall be \$12,654,592.

23 "Levy year" has the same meaning as "year" under Section
24 1-155.

25 "New property" means (i) the assessed value, after final
26 board of review or board of appeals action, of new improvements

1 or additions to existing improvements on any parcel of real
2 property that increase the assessed value of that real property
3 during the levy year multiplied by the equalization factor
4 issued by the Department under Section 17-30, (ii) the assessed
5 value, after final board of review or board of appeals action,
6 of real property not exempt from real estate taxation, which
7 real property was exempt from real estate taxation for any
8 portion of the immediately preceding levy year, multiplied by
9 the equalization factor issued by the Department under Section
10 17-30, including the assessed value, upon final stabilization
11 of occupancy after new construction is complete, of any real
12 property located within the boundaries of an otherwise or
13 previously exempt military reservation that is intended for
14 residential use and owned by or leased to a private corporation
15 or other entity, (iii) in counties that classify in accordance
16 with Section 4 of Article IX of the Illinois Constitution, an
17 incentive property's additional assessed value resulting from
18 a scheduled increase in the level of assessment as applied to
19 the first year final board of review market value, and (iv) any
20 increase in assessed value due to oil or gas production from an
21 oil or gas well required to be permitted under the Hydraulic
22 Fracturing Regulatory Act that was not produced in or accounted
23 for during the previous levy year. In addition, the county
24 clerk in a county containing a population of 3,000,000 or more
25 shall include in the 1997 recovered tax increment value for any
26 school district, any recovered tax increment value that was

1 applicable to the 1995 tax year calculations.

2 "Qualified airport authority" means an airport authority
3 organized under the Airport Authorities Act and located in a
4 county bordering on the State of Wisconsin and having a
5 population in excess of 200,000 and not greater than 500,000.

6 "Recovered tax increment value" means, except as otherwise
7 provided in this paragraph, the amount of the current year's
8 equalized assessed value, in the first year after a
9 municipality terminates the designation of an area as a
10 redevelopment project area previously established under the
11 Tax Increment Allocation Development Act in the Illinois
12 Municipal Code, previously established under the Industrial
13 Jobs Recovery Law in the Illinois Municipal Code, previously
14 established under the Economic Development Project Area Tax
15 Increment Act of 1995, or previously established under the
16 Economic Development Area Tax Increment Allocation Act, of each
17 taxable lot, block, tract, or parcel of real property in the
18 redevelopment project area over and above the initial equalized
19 assessed value of each property in the redevelopment project
20 area. For the taxes which are extended for the 1997 levy year,
21 the recovered tax increment value for a non-home rule taxing
22 district that first became subject to this Law for the 1995
23 levy year because a majority of its 1994 equalized assessed
24 value was in an affected county or counties shall be increased
25 if a municipality terminated the designation of an area in 1993
26 as a redevelopment project area previously established under

1 the Tax Increment Allocation Development Act in the Illinois
2 Municipal Code, previously established under the Industrial
3 Jobs Recovery Law in the Illinois Municipal Code, or previously
4 established under the Economic Development Area Tax Increment
5 Allocation Act, by an amount equal to the 1994 equalized
6 assessed value of each taxable lot, block, tract, or parcel of
7 real property in the redevelopment project area over and above
8 the initial equalized assessed value of each property in the
9 redevelopment project area. In the first year after a
10 municipality removes a taxable lot, block, tract, or parcel of
11 real property from a redevelopment project area established
12 under the Tax Increment Allocation Development Act in the
13 Illinois Municipal Code, the Industrial Jobs Recovery Law in
14 the Illinois Municipal Code, or the Economic Development Area
15 Tax Increment Allocation Act, "recovered tax increment value"
16 means the amount of the current year's equalized assessed value
17 of each taxable lot, block, tract, or parcel of real property
18 removed from the redevelopment project area over and above the
19 initial equalized assessed value of that real property before
20 removal from the redevelopment project area.

21 Except as otherwise provided in this Section, "limiting
22 rate" means a fraction the numerator of which is the last
23 preceding aggregate extension base times an amount equal to one
24 plus the extension limitation defined in this Section and the
25 denominator of which is the current year's equalized assessed
26 value of all real property in the territory under the

1 jurisdiction of the taxing district during the prior levy year.
2 For those taxing districts that reduced their aggregate
3 extension for the last preceding levy year, the highest
4 aggregate extension in any of the last 3 preceding levy years
5 shall be used for the purpose of computing the limiting rate.
6 The denominator shall not include new property or the recovered
7 tax increment value. If a new rate, a rate decrease, or a
8 limiting rate increase has been approved at an election held
9 after March 21, 2006, then (i) the otherwise applicable
10 limiting rate shall be increased by the amount of the new rate
11 or shall be reduced by the amount of the rate decrease, as the
12 case may be, or (ii) in the case of a limiting rate increase,
13 the limiting rate shall be equal to the rate set forth in the
14 proposition approved by the voters for each of the years
15 specified in the proposition, after which the limiting rate of
16 the taxing district shall be calculated as otherwise provided.
17 In the case of a taxing district that obtained referendum
18 approval for an increased limiting rate on March 20, 2012, the
19 limiting rate for tax year 2012 shall be the rate that
20 generates the approximate total amount of taxes extendable for
21 that tax year, as set forth in the proposition approved by the
22 voters; this rate shall be the final rate applied by the county
23 clerk for the aggregate of all capped funds of the district for
24 tax year 2012.

25 (Source: P.A. 97-611, eff. 1-1-12; 97-1154, eff. 1-25-13; 98-6,
26 eff. 3-29-13; 98-23, eff. 6-17-13.)

1 (35 ILCS 200/18-205)

2 Sec. 18-205. Referendum to increase the extension
3 limitation. A taxing district is limited to an extension
4 limitation as defined in Section 18-185 ~~of 5% or the percentage~~
5 ~~increase in the Consumer Price Index during the 12 month~~
6 ~~calendar year preceding the levy year, whichever is less.~~ A
7 taxing district may increase its extension limitation for one
8 or more levy years if that taxing district holds a referendum
9 before the levy date for the first levy year at which a
10 majority of voters voting on the issue approves adoption of a
11 higher extension limitation. Referenda shall be conducted at a
12 regularly scheduled election in accordance with the Election
13 Code. For referenda to increase the extension limitation for
14 levy years prior to 2016, for levy year 2018, or for any levy
15 year thereafter, the ~~The~~ question shall be presented in
16 substantially the following manner ~~for all elections held after~~
17 ~~March 21, 2006:~~

18 Shall the extension limitation under the Property Tax
19 Extension Limitation Law for (insert the legal name,
20 number, if any, and county or counties of the taxing
21 district and geographic or other common name by which a
22 school or community college district is known and referred
23 to), Illinois, be increased from the lesser of 5% or the
24 percentage increase in the Consumer Price Index over the
25 prior levy year to (insert the percentage of the proposed

1 increase)% per year for (insert each levy year for which
2 the increased extension limitation will apply)?

3 For referenda to increase the extension limitation for levy
4 year 2016 or levy year 2017, the question shall be presented in
5 substantially the following manner:

6 Shall the extension limitation under the Property Tax
7 Extension Limitation Law for (insert the legal name,
8 number, if any, and county or counties of the taxing
9 district and geographic or other common name by which a
10 school or community college district is known and referred
11 to), Illinois, be increased from (insert extension
12 limitation under Section 18-185 for the applicable levy
13 year) to (insert the percentage of the proposed increase)%
14 per year for (insert each levy year for which the increased
15 extension limitation will apply)?

16 The votes must be recorded as "Yes" or "No".

17 If a majority of voters voting on the issue approves the
18 adoption of the increase, the increase shall be applicable for
19 each levy year specified.

20 The ballot for any question submitted pursuant to this
21 Section shall have printed thereon, but not as a part of the
22 question submitted, only the following supplemental
23 information (which shall be supplied to the election authority
24 by the taxing district) in substantially the following form:

25 (1) For the (insert the first levy year for which the
26 increased extension limitation will be applicable) levy

1 year the approximate amount of the additional tax
2 extendable against property containing a single family
3 residence and having a fair market value at the time of the
4 referendum of \$100,000 is estimated to be \$....

5 (2) Based upon an average annual percentage increase
6 (or decrease) in the market value of such property of ...%
7 (insert percentage equal to the average annual percentage
8 increase or decrease for the prior 3 levy years, at the
9 time the submission of the question is initiated by the
10 taxing district, in the amount of (A) the equalized
11 assessed value of the taxable property in the taxing
12 district less (B) the new property included in the
13 equalized assessed value), the approximate amount of the
14 additional tax extendable against such property for the ...
15 levy year is estimated to be \$... and for the ... levy year
16 is estimated to be \$....

17 Paragraph (2) shall be included only if the increased
18 extension limitation will be applicable for more than one year
19 and shall list each levy year for which the increased extension
20 limitation will be applicable. The additional tax shown for
21 each levy year shall be the approximate dollar amount of the
22 increase over the amount of the most recently completed
23 extension at the time the submission of the question is
24 initiated by the taxing district. The approximate amount of the
25 additional tax extendable shown in paragraphs (1) and (2) shall
26 be calculated by multiplying \$100,000 (the fair market value of

1 the property without regard to any property tax exemptions) by
2 (i) the percentage level of assessment prescribed for that
3 property by statute, or by ordinance of the county board in
4 counties that classify property for purposes of taxation in
5 accordance with Section 4 of Article IX of the Illinois
6 Constitution; (ii) the most recent final equalization factor
7 certified to the county clerk by the Department of Revenue at
8 the time the taxing district initiates the submission of the
9 proposition to the electors; (iii) the last known aggregate
10 extension base of the taxing district at the time the
11 submission of the question is initiated by the taxing district;
12 and (iv) the difference between the percentage increase
13 proposed in the question and (A) for levy years prior to 2016
14 and for levy year 2018 and thereafter, the lesser of 5% or the
15 percentage increase in the Consumer Price Index for the prior
16 levy year (or an estimate of the percentage increase for the
17 prior levy year if the increase is unavailable at the time the
18 submission of the question is initiated by the taxing
19 district), or (B) for levy years 2016 and 2017, 0%; and
20 dividing the result by the last known equalized assessed value
21 of the taxing district at the time the submission of the
22 question is initiated by the taxing district. This amendatory
23 Act of the 97th General Assembly is intended to clarify the
24 existing requirements of this Section, and shall not be
25 construed to validate any prior non-compliant referendum
26 language. Any notice required to be published in connection

1 with the submission of the question shall also contain this
2 supplemental information and shall not contain any other
3 supplemental information. Any error, miscalculation, or
4 inaccuracy in computing any amount set forth on the ballot or
5 in the notice that is not deliberate shall not invalidate or
6 affect the validity of any proposition approved. Notice of the
7 referendum shall be published and posted as otherwise required
8 by law, and the submission of the question shall be initiated
9 as provided by law.

10 (Source: P.A. 97-1087, eff. 8-24-12.)

11 (35 ILCS 200/18-214)

12 Sec. 18-214. Referenda on removal of the applicability of
13 the Property Tax Extension Limitation Law to non-home rule
14 taxing districts.

15 (a) The provisions of this Section do not apply to a taxing
16 district that is subject to this Law because a majority of its
17 1990 equalized assessed value is in a county or counties
18 contiguous to a county of 3,000,000 or more inhabitants, or
19 because a majority of its 1994 equalized assessed value is in
20 an affected county and the taxing district was not subject to
21 this Law before the 1995 levy year.

22 (b) For purposes of this Section only:

23 "Taxing district" means any non-home rule taxing district
24 that became subject to this Law under Section 18-213 of this
25 Law.

1 "Equalized assessed valuation" means the equalized
2 assessed valuation for a taxing district for the immediately
3 preceding levy year.

4 (c) The county board of a county that became subject to
5 this Law by a referendum approved by the voters of the county
6 under Section 18-213 may, by ordinance or resolution, in the
7 manner set forth in this Section, submit to the voters of the
8 county the question of whether this Law applies to all non-home
9 rule taxing districts that have all or a portion of their
10 equalized assessed valuation situated in the county in the
11 manner set forth in this Section.

12 (d) The ordinance or resolution shall request the
13 submission of the proposition at any election, except a
14 consolidated primary election, for the purpose of voting for or
15 against the continued application of the Property Tax Extension
16 Limitation Law to all non-home rule taxing districts that have
17 all or a portion of their equalized assessed valuation situated
18 in the county.

19 The question shall be placed on a separate ballot and shall
20 be in substantially the following form:

21 Shall the Property Tax Extension Limitation Law (35
22 ILCS 200/18-185 through 35 ILCS 200/18-245), which limits
23 annual property tax extension increases, apply to non-home
24 rule taxing districts with all or a portion of their
25 equalized assessed valuation located in (name of county)?

26 Votes on the question shall be recorded as "yes" or "no".

1 (e) The county clerk shall order the proposition submitted
2 to the electors of the county at the election specified in the
3 ordinance or resolution. If part of the county is under the
4 jurisdiction of a board or boards of election commissioners,
5 the county clerk shall submit a certified copy of the ordinance
6 or resolution to each board of election commissioners, which
7 shall order the proposition submitted to the electors of the
8 taxing district within its jurisdiction at the election
9 specified in the ordinance or resolution.

10 (f) With respect to taxing districts having all of their
11 equalized assessed valuation located in one county, if a
12 majority of the votes cast on the proposition are against the
13 proposition, then this Law shall not apply to the taxing
14 district beginning on January 1 of the year following the date
15 of the referendum.

16 (g) With respect to taxing districts that do not have all
17 of their equalized assessed valuation located in a single
18 county, if both of the following conditions are met, then this
19 Law shall no longer apply to the taxing district beginning on
20 January 1 of the year following the date of the referendum.

21 (1) Each county in which the district has any equalized
22 assessed valuation must either, (i) have held a referendum
23 under this Section, (ii) be an affected county, or (iii)
24 have held a referendum under Section 18-213 at which the
25 voters rejected the proposition at the most recent election
26 at which the question was on the ballot in the county.

1 (2) The majority of the equalized assessed valuation of
2 the taxing district, other than any equalized assessed
3 valuation in an affected county, is in one or more counties
4 in which the voters rejected the proposition. For purposes
5 of this Section, in determining whether a majority of the
6 equalized assessed valuation of the taxing district is
7 located in one or more counties in which the voters have
8 rejected the proposition under this Section, the equalized
9 assessed valuation of any taxing district in a county which
10 has held a referendum under Section 18-213 at which the
11 voters rejected that proposition, at the most recent
12 election at which the question was on the ballot in the
13 county, will be included with the equalized assessed value
14 of the taxing district in counties in which the voters have
15 rejected the referendum held under this Section.

16 (h) Immediately after a referendum is held under this
17 Section, the county clerk of the county holding the referendum
18 shall give notice of the referendum having been held and its
19 results to all taxing districts that have all or a portion of
20 their equalized assessed valuation located in the county, the
21 county clerk of any other county in which any of the equalized
22 assessed valuation of any such taxing district is located, and
23 the Department of Revenue. After the last referendum affecting
24 a multi-county taxing district is held, the Department of
25 Revenue shall determine whether the taxing district is no
26 longer subject to this Law and, if the taxing district is no

1 longer subject to this Law, the Department of Revenue shall
2 notify the taxing district and the county clerks of all of the
3 counties in which a portion of the equalized assessed valuation
4 of the taxing district is located that, beginning on January 1
5 of the year following the date of the last referendum, the
6 taxing district is no longer subject to this Law.

7 (i) Notwithstanding any other provision of law, no
8 referendum may be submitted under this Section for levy year
9 2016 or 2017.

10 (Source: P.A. 89-718, eff. 3-7-97.)

11 (35 ILCS 200/18-242 new)

12 Sec. 18-242. Home rule. This Division 5 is a limitation,
13 under subsection (g) of Section 6 of Article VII of the
14 Illinois Constitution, on the power of home rule units to tax.

15 Section 5-15. The Local Government Energy Conservation Act
16 is amended by changing Section 3 as follows:

17 (50 ILCS 515/3)

18 Sec. 3. Applicable laws. Other State laws and related
19 administrative requirements apply to this Act, including, but
20 not limited to, the following laws and related administrative
21 requirements: the Illinois Human Rights Act, ~~the Prevailing~~
22 ~~Wage Act,~~ the Public Construction Bond Act, the Public Works
23 Preference Act (repealed on June 16, 2010 by Public Act

1 96-929), the Employment of Illinois Workers on Public Works
2 Act, the Freedom of Information Act, the Open Meetings Act, the
3 Illinois Architecture Practice Act of 1989, the Professional
4 Engineering Practice Act of 1989, the Structural Engineering
5 Practice Act of 1989, the Local Government Professional
6 Services Selection Act, and the Contractor Unified License and
7 Permit Bond Act.

8 (Source: P.A. 97-333, eff. 8-12-11.)

9 Section 5-20. The Local Government Facility Lease Act is
10 amended by changing Section 35 as follows:

11 (50 ILCS 615/35)

12 Sec. 35. Wage requirements. In order to protect the wages,
13 working conditions, and job opportunities of employees
14 employed by the lessee of leased facility property used for
15 airport purposes to perform work on the site of the leased
16 premises previously performed by employees of the lessor on the
17 site of the leased premises and who were in recognized
18 bargaining units at the time of the lease, the lessee, and any
19 subcontractor retained by the lessee to perform such work on
20 the site of the leased premises, shall be required to pay to
21 those employees an amount not less than the economic equivalent
22 of the standard of wages and benefits enjoyed by the lessor's
23 employees who previously performed that work. The lessor shall
24 certify to the lessee the amount of wages and benefits (or

1 their equivalent) as of the time of the lease, and any changes
2 to those amounts as they may occur during the term of the
3 lease. ~~All projects at the leased facility property used for~~
4 ~~airport purposes shall be considered public works for purposes~~
5 ~~of the Prevailing Wage Act.~~

6 (Source: P.A. 94-750, eff. 5-9-06.)

7 Section 5-25. The Counties Code is amended by changing
8 Section 5-1134 as follows:

9 (55 ILCS 5/5-1134)

10 Sec. 5-1134. Project labor agreements.

11 (a) ~~Any sports, arts, or entertainment facilities that~~
12 ~~receive revenue from a tax imposed under subsection (b) of~~
13 ~~Section 5-1030 of this Code shall be considered to be public~~
14 ~~works within the meaning of the Prevailing Wage Act.~~ The county
15 authorities responsible for the construction, renovation,
16 modification, or alteration of the sports, arts, or
17 entertainment facilities shall enter into project labor
18 agreements with labor organizations as defined in the National
19 Labor Relations Act to assure that no labor dispute interrupts
20 or interferes with the construction, renovation, modification,
21 or alteration of the projects.

22 (b) The project labor agreements must include the
23 following:

24 (1) provisions establishing the minimum hourly wage

1 for each class of labor organization employees;

2 (2) provisions establishing the benefits and other
3 compensation for such class of labor organization; and

4 (3) provisions establishing that no strike or disputes
5 will be engaged in by the labor organization employees.

6 The county, taxing bodies, municipalities, and the labor
7 organizations shall have the authority to include other terms
8 and conditions as they deem necessary.

9 (c) The project labor agreement shall be filed with the
10 Director of the Illinois Department of Labor in accordance with
11 procedures established by the Department. At a minimum, the
12 project labor agreement must provide the names, addresses, and
13 occupations of the owner of the facilities and the individuals
14 representing the labor organization employees participating in
15 the project labor agreement. The agreement must also specify
16 the terms and conditions required in subsection (b) of this
17 Section.

18 (d) In any agreement for the construction or rehabilitation
19 of a facility using revenue generated under subsection (b) of
20 Section 5-1030 of this Code, in connection with the
21 prequalification of general contractors for construction or
22 rehabilitation of the facility, it shall be required that a
23 commitment will be submitted detailing how the general
24 contractor will expend 15% or more of the aggregate dollar
25 value of the project as a whole with one or more minority-owned
26 businesses, female-owned businesses, or businesses owned by a

1 person with a disability, as these terms are defined in Section
2 of the Business Enterprise for Minorities, Females, and
3 Persons with Disabilities Act.

4 (Source: P.A. 98-313, eff. 8-12-13; 98-756, eff. 7-16-14.)

5 (60 ILCS 1/100-20 rep.)

6 Section 5-30. The Township Code is amended by repealing
7 Section 100-20.

8 Section 5-35. The School Code is amended by changing
9 Sections 18-8.05 and 19b-15 and by adding Sections 1C-10, 1D-5,
10 and 18-21 as follows:

11 (105 ILCS 5/1C-10 new)

12 Sec. 1C-10. Repealer. This Article is repealed on June 1,
13 2017.

14 (105 ILCS 5/1D-5 new)

15 Sec. 1D-5. Repealer. This Article is repealed on June 1,
16 2017.

17 (105 ILCS 5/18-8.05)

18 Sec. 18-8.05. Basis for apportionment of general State
19 financial aid and supplemental general State aid to the common
20 schools for the 1998-1999 and subsequent school years.

1 (A) General Provisions.

2 (1) The provisions of this Section apply to the 1998-1999
3 and subsequent school years. The system of general State
4 financial aid provided for in this Section is designed to
5 assure that, through a combination of State financial aid and
6 required local resources, the financial support provided each
7 pupil in Average Daily Attendance equals or exceeds a
8 prescribed per pupil Foundation Level. This formula approach
9 imputes a level of per pupil Available Local Resources and
10 provides for the basis to calculate a per pupil level of
11 general State financial aid that, when added to Available Local
12 Resources, equals or exceeds the Foundation Level. The amount
13 of per pupil general State financial aid for school districts,
14 in general, varies in inverse relation to Available Local
15 Resources. Per pupil amounts are based upon each school
16 district's Average Daily Attendance as that term is defined in
17 this Section.

18 (2) In addition to general State financial aid, school
19 districts with specified levels or concentrations of pupils
20 from low income households are eligible to receive supplemental
21 general State financial aid grants as provided pursuant to
22 subsection (H). The supplemental State aid grants provided for
23 school districts under subsection (H) shall be appropriated for
24 distribution to school districts as part of the same line item
25 in which the general State financial aid of school districts is
26 appropriated under this Section.

1 (3) To receive financial assistance under this Section,
2 school districts are required to file claims with the State
3 Board of Education, subject to the following requirements:

4 (a) Any school district which fails for any given
5 school year to maintain school as required by law, or to
6 maintain a recognized school is not eligible to file for
7 such school year any claim upon the Common School Fund. In
8 case of nonrecognition of one or more attendance centers in
9 a school district otherwise operating recognized schools,
10 the claim of the district shall be reduced in the
11 proportion which the Average Daily Attendance in the
12 attendance center or centers bear to the Average Daily
13 Attendance in the school district. A "recognized school"
14 means any public school which meets the standards as
15 established for recognition by the State Board of
16 Education. A school district or attendance center not
17 having recognition status at the end of a school term is
18 entitled to receive State aid payments due upon a legal
19 claim which was filed while it was recognized.

20 (b) School district claims filed under this Section are
21 subject to Sections 18-9 and 18-12, except as otherwise
22 provided in this Section.

23 (c) If a school district operates a full year school
24 under Section 10-19.1, the general State aid to the school
25 district shall be determined by the State Board of
26 Education in accordance with this Section as near as may be

1 applicable.

2 (d) (Blank).

3 (4) Except as provided in subsections (H) and (L), the
4 board of any district receiving any of the grants provided for
5 in this Section may apply those funds to any fund so received
6 for which that board is authorized to make expenditures by law.

7 School districts are not required to exert a minimum
8 Operating Tax Rate in order to qualify for assistance under
9 this Section.

10 (5) As used in this Section the following terms, when
11 capitalized, shall have the meaning ascribed herein:

12 (a) "Average Daily Attendance": A count of pupil
13 attendance in school, averaged as provided for in
14 subsection (C) and utilized in deriving per pupil financial
15 support levels.

16 (b) "Available Local Resources": A computation of
17 local financial support, calculated on the basis of Average
18 Daily Attendance and derived as provided pursuant to
19 subsection (D).

20 (c) "Corporate Personal Property Replacement Taxes":
21 Funds paid to local school districts pursuant to "An Act in
22 relation to the abolition of ad valorem personal property
23 tax and the replacement of revenues lost thereby, and
24 amending and repealing certain Acts and parts of Acts in
25 connection therewith", certified August 14, 1979, as
26 amended (Public Act 81-1st S.S.-1).

1 (d) "Foundation Level": A prescribed level of per pupil
2 financial support as provided for in subsection (B).

3 (e) "Operating Tax Rate": All school district property
4 taxes extended for all purposes, except Bond and Interest,
5 Summer School, Rent, Capital Improvement, and Vocational
6 Education Building purposes.

7 (B) Foundation Level.

8 (1) The Foundation Level is a figure established by the
9 State representing the minimum level of per pupil financial
10 support that should be available to provide for the basic
11 education of each pupil in Average Daily Attendance. As set
12 forth in this Section, each school district is assumed to exert
13 a sufficient local taxing effort such that, in combination with
14 the aggregate of general State financial aid provided the
15 district, an aggregate of State and local resources are
16 available to meet the basic education needs of pupils in the
17 district.

18 (2) For the 1998-1999 school year, the Foundation Level of
19 support is \$4,225. For the 1999-2000 school year, the
20 Foundation Level of support is \$4,325. For the 2000-2001 school
21 year, the Foundation Level of support is \$4,425. For the
22 2001-2002 school year and 2002-2003 school year, the Foundation
23 Level of support is \$4,560. For the 2003-2004 school year, the
24 Foundation Level of support is \$4,810. For the 2004-2005 school
25 year, the Foundation Level of support is \$4,964. For the

1 2005-2006 school year, the Foundation Level of support is
2 \$5,164. For the 2006-2007 school year, the Foundation Level of
3 support is \$5,334. For the 2007-2008 school year, the
4 Foundation Level of support is \$5,734. For the 2008-2009 school
5 year, the Foundation Level of support is \$5,959.

6 (3) For the 2009-2010 school year and each school year
7 thereafter, the Foundation Level of support is \$6,119 or such
8 greater amount as may be established by law by the General
9 Assembly.

10 (C) Average Daily Attendance.

11 (1) For purposes of calculating general State aid pursuant
12 to subsection (E), an Average Daily Attendance figure shall be
13 utilized. The Average Daily Attendance figure for formula
14 calculation purposes shall be the monthly average of the actual
15 number of pupils in attendance of each school district, as
16 further averaged for the best 3 months of pupil attendance for
17 each school district. In compiling the figures for the number
18 of pupils in attendance, school districts and the State Board
19 of Education shall, for purposes of general State aid funding,
20 conform attendance figures to the requirements of subsection
21 (F).

22 (2) The Average Daily Attendance figures utilized in
23 subsection (E) shall be the requisite attendance data for the
24 school year immediately preceding the school year for which
25 general State aid is being calculated or the average of the

1 attendance data for the 3 preceding school years, whichever is
2 greater. The Average Daily Attendance figures utilized in
3 subsection (H) shall be the requisite attendance data for the
4 school year immediately preceding the school year for which
5 general State aid is being calculated.

6 (D) Available Local Resources.

7 (1) For purposes of calculating general State aid pursuant
8 to subsection (E), a representation of Available Local
9 Resources per pupil, as that term is defined and determined in
10 this subsection, shall be utilized. Available Local Resources
11 per pupil shall include a calculated dollar amount representing
12 local school district revenues from local property taxes and
13 from Corporate Personal Property Replacement Taxes, expressed
14 on the basis of pupils in Average Daily Attendance. Calculation
15 of Available Local Resources shall exclude any tax amnesty
16 funds received as a result of Public Act 93-26.

17 (2) In determining a school district's revenue from local
18 property taxes, the State Board of Education shall utilize the
19 equalized assessed valuation of all taxable property of each
20 school district as of September 30 of the previous year. The
21 equalized assessed valuation utilized shall be obtained and
22 determined as provided in subsection (G).

23 (3) For school districts maintaining grades kindergarten
24 through 12, local property tax revenues per pupil shall be
25 calculated as the product of the applicable equalized assessed

1 valuation for the district multiplied by 3.00%, and divided by
2 the district's Average Daily Attendance figure. For school
3 districts maintaining grades kindergarten through 8, local
4 property tax revenues per pupil shall be calculated as the
5 product of the applicable equalized assessed valuation for the
6 district multiplied by 2.30%, and divided by the district's
7 Average Daily Attendance figure. For school districts
8 maintaining grades 9 through 12, local property tax revenues
9 per pupil shall be the applicable equalized assessed valuation
10 of the district multiplied by 1.05%, and divided by the
11 district's Average Daily Attendance figure.

12 For partial elementary unit districts created pursuant to
13 Article 11E of this Code, local property tax revenues per pupil
14 shall be calculated as the product of the equalized assessed
15 valuation for property within the partial elementary unit
16 district for elementary purposes, as defined in Article 11E of
17 this Code, multiplied by 2.06% and divided by the district's
18 Average Daily Attendance figure, plus the product of the
19 equalized assessed valuation for property within the partial
20 elementary unit district for high school purposes, as defined
21 in Article 11E of this Code, multiplied by 0.94% and divided by
22 the district's Average Daily Attendance figure.

23 (4) The Corporate Personal Property Replacement Taxes paid
24 to each school district during the calendar year one year
25 before the calendar year in which a school year begins, divided
26 by the Average Daily Attendance figure for that district, shall

1 be added to the local property tax revenues per pupil as
2 derived by the application of the immediately preceding
3 paragraph (3). The sum of these per pupil figures for each
4 school district shall constitute Available Local Resources as
5 that term is utilized in subsection (E) in the calculation of
6 general State aid.

7 (E) Computation of General State Aid.

8 (1) For each school year, the amount of general State aid
9 allotted to a school district shall be computed by the State
10 Board of Education as provided in this subsection.

11 (2) For any school district for which Available Local
12 Resources per pupil is less than the product of 0.93 times the
13 Foundation Level, general State aid for that district shall be
14 calculated as an amount equal to the Foundation Level minus
15 Available Local Resources, multiplied by the Average Daily
16 Attendance of the school district.

17 (3) For any school district for which Available Local
18 Resources per pupil is equal to or greater than the product of
19 0.93 times the Foundation Level and less than the product of
20 1.75 times the Foundation Level, the general State aid per
21 pupil shall be a decimal proportion of the Foundation Level
22 derived using a linear algorithm. Under this linear algorithm,
23 the calculated general State aid per pupil shall decline in
24 direct linear fashion from 0.07 times the Foundation Level for
25 a school district with Available Local Resources equal to the

1 product of 0.93 times the Foundation Level, to 0.05 times the
2 Foundation Level for a school district with Available Local
3 Resources equal to the product of 1.75 times the Foundation
4 Level. The allocation of general State aid for school districts
5 subject to this paragraph 3 shall be the calculated general
6 State aid per pupil figure multiplied by the Average Daily
7 Attendance of the school district.

8 (4) For any school district for which Available Local
9 Resources per pupil equals or exceeds the product of 1.75 times
10 the Foundation Level, the general State aid for the school
11 district shall be calculated as the product of \$218 multiplied
12 by the Average Daily Attendance of the school district.

13 (5) The amount of general State aid allocated to a school
14 district for the 1999-2000 school year meeting the requirements
15 set forth in paragraph (4) of subsection (G) shall be increased
16 by an amount equal to the general State aid that would have
17 been received by the district for the 1998-1999 school year by
18 utilizing the Extension Limitation Equalized Assessed
19 Valuation as calculated in paragraph (4) of subsection (G) less
20 the general State aid allotted for the 1998-1999 school year.
21 This amount shall be deemed a one time increase, and shall not
22 affect any future general State aid allocations.

23 (F) Compilation of Average Daily Attendance.

24 (1) Each school district shall, by July 1 of each year,
25 submit to the State Board of Education, on forms prescribed by

1 the State Board of Education, attendance figures for the school
2 year that began in the preceding calendar year. The attendance
3 information so transmitted shall identify the average daily
4 attendance figures for each month of the school year. Beginning
5 with the general State aid claim form for the 2002-2003 school
6 year, districts shall calculate Average Daily Attendance as
7 provided in subdivisions (a), (b), and (c) of this paragraph
8 (1).

9 (a) In districts that do not hold year-round classes,
10 days of attendance in August shall be added to the month of
11 September and any days of attendance in June shall be added
12 to the month of May.

13 (b) In districts in which all buildings hold year-round
14 classes, days of attendance in July and August shall be
15 added to the month of September and any days of attendance
16 in June shall be added to the month of May.

17 (c) In districts in which some buildings, but not all,
18 hold year-round classes, for the non-year-round buildings,
19 days of attendance in August shall be added to the month of
20 September and any days of attendance in June shall be added
21 to the month of May. The average daily attendance for the
22 year-round buildings shall be computed as provided in
23 subdivision (b) of this paragraph (1). To calculate the
24 Average Daily Attendance for the district, the average
25 daily attendance for the year-round buildings shall be
26 multiplied by the days in session for the non-year-round

1 buildings for each month and added to the monthly
2 attendance of the non-year-round buildings.

3 Except as otherwise provided in this Section, days of
4 attendance by pupils shall be counted only for sessions of not
5 less than 5 clock hours of school work per day under direct
6 supervision of: (i) teachers, or (ii) non-teaching personnel or
7 volunteer personnel when engaging in non-teaching duties and
8 supervising in those instances specified in subsection (a) of
9 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
10 of legal school age and in kindergarten and grades 1 through
11 12.

12 Days of attendance by tuition pupils shall be accredited
13 only to the districts that pay the tuition to a recognized
14 school.

15 (2) Days of attendance by pupils of less than 5 clock hours
16 of school shall be subject to the following provisions in the
17 compilation of Average Daily Attendance.

18 (a) Pupils regularly enrolled in a public school for
19 only a part of the school day may be counted on the basis
20 of 1/6 day for every class hour of instruction of 40
21 minutes or more attended pursuant to such enrollment,
22 unless a pupil is enrolled in a block-schedule format of 80
23 minutes or more of instruction, in which case the pupil may
24 be counted on the basis of the proportion of minutes of
25 school work completed each day to the minimum number of
26 minutes that school work is required to be held that day.

1 (b) (Blank).

2 (c) A session of 4 or more clock hours may be counted
3 as a day of attendance upon certification by the regional
4 superintendent, and approved by the State Superintendent
5 of Education to the extent that the district has been
6 forced to use daily multiple sessions.

7 (d) A session of 3 or more clock hours may be counted
8 as a day of attendance (1) when the remainder of the school
9 day or at least 2 hours in the evening of that day is
10 utilized for an in-service training program for teachers,
11 up to a maximum of 5 days per school year, provided a
12 district conducts an in-service training program for
13 teachers in accordance with Section 10-22.39 of this Code;
14 or, in lieu of 4 such days, 2 full days may be used, in
15 which event each such day may be counted as a day required
16 for a legal school calendar pursuant to Section 10-19 of
17 this Code; (1.5) when, of the 5 days allowed under item
18 (1), a maximum of 4 days are used for parent-teacher
19 conferences, or, in lieu of 4 such days, 2 full days are
20 used, in which case each such day may be counted as a
21 calendar day required under Section 10-19 of this Code,
22 provided that the full-day, parent-teacher conference
23 consists of (i) a minimum of 5 clock hours of
24 parent-teacher conferences, (ii) both a minimum of 2 clock
25 hours of parent-teacher conferences held in the evening
26 following a full day of student attendance, as specified in

1 subsection (F)(1)(c), and a minimum of 3 clock hours of
2 parent-teacher conferences held on the day immediately
3 following evening parent-teacher conferences, or (iii)
4 multiple parent-teacher conferences held in the evenings
5 following full days of student attendance, as specified in
6 subsection (F)(1)(c), in which the time used for the
7 parent-teacher conferences is equivalent to a minimum of 5
8 clock hours; and (2) when days in addition to those
9 provided in items (1) and (1.5) are scheduled by a school
10 pursuant to its school improvement plan adopted under
11 Article 34 or its revised or amended school improvement
12 plan adopted under Article 2, provided that (i) such
13 sessions of 3 or more clock hours are scheduled to occur at
14 regular intervals, (ii) the remainder of the school days in
15 which such sessions occur are utilized for in-service
16 training programs or other staff development activities
17 for teachers, and (iii) a sufficient number of minutes of
18 school work under the direct supervision of teachers are
19 added to the school days between such regularly scheduled
20 sessions to accumulate not less than the number of minutes
21 by which such sessions of 3 or more clock hours fall short
22 of 5 clock hours. Any full days used for the purposes of
23 this paragraph shall not be considered for computing
24 average daily attendance. Days scheduled for in-service
25 training programs, staff development activities, or
26 parent-teacher conferences may be scheduled separately for

1 different grade levels and different attendance centers of
2 the district.

3 (e) A session of not less than one clock hour of
4 teaching hospitalized or homebound pupils on-site or by
5 telephone to the classroom may be counted as 1/2 day of
6 attendance, however these pupils must receive 4 or more
7 clock hours of instruction to be counted for a full day of
8 attendance.

9 (f) A session of at least 4 clock hours may be counted
10 as a day of attendance for first grade pupils, and pupils
11 in full day kindergartens, and a session of 2 or more hours
12 may be counted as 1/2 day of attendance by pupils in
13 kindergartens which provide only 1/2 day of attendance.

14 (g) For children with disabilities who are below the
15 age of 6 years and who cannot attend 2 or more clock hours
16 because of their disability or immaturity, a session of not
17 less than one clock hour may be counted as 1/2 day of
18 attendance; however for such children whose educational
19 needs so require a session of 4 or more clock hours may be
20 counted as a full day of attendance.

21 (h) A recognized kindergarten which provides for only
22 1/2 day of attendance by each pupil shall not have more
23 than 1/2 day of attendance counted in any one day. However,
24 kindergartens may count 2 1/2 days of attendance in any 5
25 consecutive school days. When a pupil attends such a
26 kindergarten for 2 half days on any one school day, the

1 pupil shall have the following day as a day absent from
2 school, unless the school district obtains permission in
3 writing from the State Superintendent of Education.
4 Attendance at kindergartens which provide for a full day of
5 attendance by each pupil shall be counted the same as
6 attendance by first grade pupils. Only the first year of
7 attendance in one kindergarten shall be counted, except in
8 case of children who entered the kindergarten in their
9 fifth year whose educational development requires a second
10 year of kindergarten as determined under the rules and
11 regulations of the State Board of Education.

12 (i) On the days when the assessment that includes a
13 college and career ready determination is administered
14 under subsection (c) of Section 2-3.64a-5 of this Code, the
15 day of attendance for a pupil whose school day must be
16 shortened to accommodate required testing procedures may
17 be less than 5 clock hours and shall be counted towards the
18 176 days of actual pupil attendance required under Section
19 10-19 of this Code, provided that a sufficient number of
20 minutes of school work in excess of 5 clock hours are first
21 completed on other school days to compensate for the loss
22 of school work on the examination days.

23 (j) Pupils enrolled in a remote educational program
24 established under Section 10-29 of this Code may be counted
25 on the basis of one-fifth day of attendance for every clock
26 hour of instruction attended in the remote educational

1 program, provided that, in any month, the school district
2 may not claim for a student enrolled in a remote
3 educational program more days of attendance than the
4 maximum number of days of attendance the district can claim
5 (i) for students enrolled in a building holding year-round
6 classes if the student is classified as participating in
7 the remote educational program on a year-round schedule or
8 (ii) for students enrolled in a building not holding
9 year-round classes if the student is not classified as
10 participating in the remote educational program on a
11 year-round schedule.

12 (G) Equalized Assessed Valuation Data.

13 (1) For purposes of the calculation of Available Local
14 Resources required pursuant to subsection (D), the State Board
15 of Education shall secure from the Department of Revenue the
16 value as equalized or assessed by the Department of Revenue of
17 all taxable property of every school district, together with
18 (i) the applicable tax rate used in extending taxes for the
19 funds of the district as of September 30 of the previous year
20 and (ii) the limiting rate for all school districts subject to
21 property tax extension limitations as imposed under the
22 Property Tax Extension Limitation Law.

23 The Department of Revenue shall add to the equalized
24 assessed value of all taxable property of each school district
25 situated entirely or partially within a county that is or was

1 subject to the provisions of Section 15-176 or 15-177 of the
2 Property Tax Code (a) an amount equal to the total amount by
3 which the homestead exemption allowed under Section 15-176 or
4 15-177 of the Property Tax Code for real property situated in
5 that school district exceeds the total amount that would have
6 been allowed in that school district if the maximum reduction
7 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in
8 all other counties in tax year 2003 or (ii) \$5,000 in all
9 counties in tax year 2004 and thereafter and (b) an amount
10 equal to the aggregate amount for the taxable year of all
11 additional exemptions under Section 15-175 of the Property Tax
12 Code for owners with a household income of \$30,000 or less. The
13 county clerk of any county that is or was subject to the
14 provisions of Section 15-176 or 15-177 of the Property Tax Code
15 shall annually calculate and certify to the Department of
16 Revenue for each school district all homestead exemption
17 amounts under Section 15-176 or 15-177 of the Property Tax Code
18 and all amounts of additional exemptions under Section 15-175
19 of the Property Tax Code for owners with a household income of
20 \$30,000 or less. It is the intent of this paragraph that if the
21 general homestead exemption for a parcel of property is
22 determined under Section 15-176 or 15-177 of the Property Tax
23 Code rather than Section 15-175, then the calculation of
24 Available Local Resources shall not be affected by the
25 difference, if any, between the amount of the general homestead
26 exemption allowed for that parcel of property under Section

1 15-176 or 15-177 of the Property Tax Code and the amount that
2 would have been allowed had the general homestead exemption for
3 that parcel of property been determined under Section 15-175 of
4 the Property Tax Code. It is further the intent of this
5 paragraph that if additional exemptions are allowed under
6 Section 15-175 of the Property Tax Code for owners with a
7 household income of less than \$30,000, then the calculation of
8 Available Local Resources shall not be affected by the
9 difference, if any, because of those additional exemptions.

10 This equalized assessed valuation, as adjusted further by
11 the requirements of this subsection, shall be utilized in the
12 calculation of Available Local Resources.

13 (2) The equalized assessed valuation in paragraph (1) shall
14 be adjusted, as applicable, in the following manner:

15 (a) For the purposes of calculating State aid under
16 this Section, with respect to any part of a school district
17 within a redevelopment project area in respect to which a
18 municipality has adopted tax increment allocation
19 financing pursuant to the Tax Increment Allocation
20 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
21 of the Illinois Municipal Code or the Industrial Jobs
22 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
23 Illinois Municipal Code, no part of the current equalized
24 assessed valuation of real property located in any such
25 project area which is attributable to an increase above the
26 total initial equalized assessed valuation of such

1 property shall be used as part of the equalized assessed
2 valuation of the district, until such time as all
3 redevelopment project costs have been paid, as provided in
4 Section 11-74.4-8 of the Tax Increment Allocation
5 Redevelopment Act or in Section 11-74.6-35 of the
6 Industrial Jobs Recovery Law. For the purpose of the
7 equalized assessed valuation of the district, the total
8 initial equalized assessed valuation or the current
9 equalized assessed valuation, whichever is lower, shall be
10 used until such time as all redevelopment project costs
11 have been paid.

12 (b) The real property equalized assessed valuation for
13 a school district shall be adjusted by subtracting from the
14 real property value as equalized or assessed by the
15 Department of Revenue for the district an amount computed
16 by dividing the amount of any abatement of taxes under
17 Section 18-170 of the Property Tax Code by 3.00% for a
18 district maintaining grades kindergarten through 12, by
19 2.30% for a district maintaining grades kindergarten
20 through 8, or by 1.05% for a district maintaining grades 9
21 through 12 and adjusted by an amount computed by dividing
22 the amount of any abatement of taxes under subsection (a)
23 of Section 18-165 of the Property Tax Code by the same
24 percentage rates for district type as specified in this
25 subparagraph (b).

26 (3) For the 1999-2000 school year and each school year

1 thereafter, if a school district meets all of the criteria of
2 this subsection (G) (3), the school district's Available Local
3 Resources shall be calculated under subsection (D) using the
4 district's Extension Limitation Equalized Assessed Valuation
5 as calculated under this subsection (G) (3).

6 For purposes of this subsection (G) (3) the following terms
7 shall have the following meanings:

8 "Budget Year": The school year for which general State
9 aid is calculated and awarded under subsection (E).

10 "Base Tax Year": The property tax levy year used to
11 calculate the Budget Year allocation of general State aid.

12 "Preceding Tax Year": The property tax levy year
13 immediately preceding the Base Tax Year.

14 "Base Tax Year's Tax Extension": The product of the
15 equalized assessed valuation utilized by the County Clerk
16 in the Base Tax Year multiplied by the limiting rate as
17 calculated by the County Clerk and defined in the Property
18 Tax Extension Limitation Law.

19 "Preceding Tax Year's Tax Extension": The product of
20 the equalized assessed valuation utilized by the County
21 Clerk in the Preceding Tax Year multiplied by the Operating
22 Tax Rate as defined in subsection (A).

23 "Extension Limitation Ratio": A numerical ratio,
24 certified by the County Clerk, in which the numerator is
25 the Base Tax Year's Tax Extension and the denominator is
26 the Preceding Tax Year's Tax Extension.

1 "Operating Tax Rate": The operating tax rate as defined
2 in subsection (A).

3 If a school district is subject to property tax extension
4 limitations as imposed under the Property Tax Extension
5 Limitation Law, the State Board of Education shall calculate
6 the Extension Limitation Equalized Assessed Valuation of that
7 district. For the 1999-2000 school year, the Extension
8 Limitation Equalized Assessed Valuation of a school district as
9 calculated by the State Board of Education shall be equal to
10 the product of the district's 1996 Equalized Assessed Valuation
11 and the district's Extension Limitation Ratio. Except as
12 otherwise provided in this paragraph for a school district that
13 has approved or does approve an increase in its limiting rate,
14 for the 2000-2001 school year and each school year thereafter,
15 the Extension Limitation Equalized Assessed Valuation of a
16 school district as calculated by the State Board of Education
17 shall be equal to the product of the Equalized Assessed
18 Valuation last used in the calculation of general State aid and
19 the district's Extension Limitation Ratio. If the Extension
20 Limitation Equalized Assessed Valuation of a school district as
21 calculated under this subsection (G) (3) is less than the
22 district's equalized assessed valuation as calculated pursuant
23 to subsections (G) (1) and (G) (2), then for purposes of
24 calculating the district's general State aid for the Budget
25 Year pursuant to subsection (E), that Extension Limitation
26 Equalized Assessed Valuation shall be utilized to calculate the

1 district's Available Local Resources under subsection (D). For
2 the 2009-2010 school year and each school year thereafter, if a
3 school district has approved or does approve an increase in its
4 limiting rate, pursuant to Section 18-190 of the Property Tax
5 Code, affecting the Base Tax Year, the Extension Limitation
6 Equalized Assessed Valuation of the school district, as
7 calculated by the State Board of Education, shall be equal to
8 the product of the Equalized Assessed Valuation last used in
9 the calculation of general State aid times an amount equal to
10 one plus the percentage increase, if any, in the Consumer Price
11 Index for all Urban Consumers for all items published by the
12 United States Department of Labor for the 12-month calendar
13 year preceding the Base Tax Year, plus the Equalized Assessed
14 Valuation of new property, annexed property, and recovered tax
15 increment value and minus the Equalized Assessed Valuation of
16 disconnected property. New property and recovered tax
17 increment value shall have the meanings set forth in the
18 Property Tax Extension Limitation Law.

19 Partial elementary unit districts created in accordance
20 with Article 11E of this Code shall not be eligible for the
21 adjustment in this subsection (G)(3) until the fifth year
22 following the effective date of the reorganization.

23 (3.5) For the 2010-2011 school year and each school year
24 thereafter, if a school district's boundaries span multiple
25 counties, then the Department of Revenue shall send to the
26 State Board of Education, for the purpose of calculating

1 general State aid, the limiting rate and individual rates by
2 purpose for the county that contains the majority of the school
3 district's Equalized Assessed Valuation.

4 (4) For the purposes of calculating general State aid for
5 the 1999-2000 school year only, if a school district
6 experienced a triennial reassessment on the equalized assessed
7 valuation used in calculating its general State financial aid
8 apportionment for the 1998-1999 school year, the State Board of
9 Education shall calculate the Extension Limitation Equalized
10 Assessed Valuation that would have been used to calculate the
11 district's 1998-1999 general State aid. This amount shall equal
12 the product of the equalized assessed valuation used to
13 calculate general State aid for the 1997-1998 school year and
14 the district's Extension Limitation Ratio. If the Extension
15 Limitation Equalized Assessed Valuation of the school district
16 as calculated under this paragraph (4) is less than the
17 district's equalized assessed valuation utilized in
18 calculating the district's 1998-1999 general State aid
19 allocation, then for purposes of calculating the district's
20 general State aid pursuant to paragraph (5) of subsection (E),
21 that Extension Limitation Equalized Assessed Valuation shall
22 be utilized to calculate the district's Available Local
23 Resources.

24 (5) For school districts having a majority of their
25 equalized assessed valuation in any county except Cook, DuPage,
26 Kane, Lake, McHenry, or Will, if the amount of general State

1 aid allocated to the school district for the 1999-2000 school
2 year under the provisions of subsection (E), (H), and (J) of
3 this Section is less than the amount of general State aid
4 allocated to the district for the 1998-1999 school year under
5 these subsections, then the general State aid of the district
6 for the 1999-2000 school year only shall be increased by the
7 difference between these amounts. The total payments made under
8 this paragraph (5) shall not exceed \$14,000,000. Claims shall
9 be prorated if they exceed \$14,000,000.

10 (H) Supplemental General State Aid.

11 (1) In addition to the general State aid a school district
12 is allotted pursuant to subsection (E), qualifying school
13 districts shall receive a grant, paid in conjunction with a
14 district's payments of general State aid, for supplemental
15 general State aid based upon the concentration level of
16 children from low-income households within the school
17 district. Supplemental State aid grants provided for school
18 districts under this subsection shall be appropriated for
19 distribution to school districts as part of the same line item
20 in which the general State financial aid of school districts is
21 appropriated under this Section.

22 (1.5) This paragraph (1.5) applies only to those school
23 years preceding the 2003-2004 school year. For purposes of this
24 subsection (H), the term "Low-Income Concentration Level"
25 shall be the low-income eligible pupil count from the most

1 recently available federal census divided by the Average Daily
2 Attendance of the school district. If, however, (i) the
3 percentage decrease from the 2 most recent federal censuses in
4 the low-income eligible pupil count of a high school district
5 with fewer than 400 students exceeds by 75% or more the
6 percentage change in the total low-income eligible pupil count
7 of contiguous elementary school districts, whose boundaries
8 are coterminous with the high school district, or (ii) a high
9 school district within 2 counties and serving 5 elementary
10 school districts, whose boundaries are coterminous with the
11 high school district, has a percentage decrease from the 2 most
12 recent federal censuses in the low-income eligible pupil count
13 and there is a percentage increase in the total low-income
14 eligible pupil count of a majority of the elementary school
15 districts in excess of 50% from the 2 most recent federal
16 censuses, then the high school district's low-income eligible
17 pupil count from the earlier federal census shall be the number
18 used as the low-income eligible pupil count for the high school
19 district, for purposes of this subsection (H). The changes made
20 to this paragraph (1) by Public Act 92-28 shall apply to
21 supplemental general State aid grants for school years
22 preceding the 2003-2004 school year that are paid in fiscal
23 year 1999 or thereafter and to any State aid payments made in
24 fiscal year 1994 through fiscal year 1998 pursuant to
25 subsection 1(n) of Section 18-8 of this Code (which was
26 repealed on July 1, 1998), and any high school district that is

1 affected by Public Act 92-28 is entitled to a recomputation of
2 its supplemental general State aid grant or State aid paid in
3 any of those fiscal years. This recomputation shall not be
4 affected by any other funding.

5 (1.10) This paragraph (1.10) applies to the 2003-2004
6 school year and each school year thereafter. For purposes of
7 this subsection (H), the term "Low-Income Concentration Level"
8 shall, for each fiscal year, be the low-income eligible pupil
9 count as of July 1 of the immediately preceding fiscal year (as
10 determined by the Department of Human Services based on the
11 number of pupils who are eligible for at least one of the
12 following low income programs: Medicaid, the Children's Health
13 Insurance Program, TANF, or Food Stamps, excluding pupils who
14 are eligible for services provided by the Department of
15 Children and Family Services, averaged over the 2 immediately
16 preceding fiscal years for fiscal year 2004 and over the 3
17 immediately preceding fiscal years for each fiscal year
18 thereafter) divided by the Average Daily Attendance of the
19 school district.

20 (2) Supplemental general State aid pursuant to this
21 subsection (H) shall be provided as follows for the 1998-1999,
22 1999-2000, and 2000-2001 school years only:

23 (a) For any school district with a Low Income
24 Concentration Level of at least 20% and less than 35%, the
25 grant for any school year shall be \$800 multiplied by the
26 low income eligible pupil count.

1 (b) For any school district with a Low Income
2 Concentration Level of at least 35% and less than 50%, the
3 grant for the 1998-1999 school year shall be \$1,100
4 multiplied by the low income eligible pupil count.

5 (c) For any school district with a Low Income
6 Concentration Level of at least 50% and less than 60%, the
7 grant for the 1998-99 school year shall be \$1,500
8 multiplied by the low income eligible pupil count.

9 (d) For any school district with a Low Income
10 Concentration Level of 60% or more, the grant for the
11 1998-99 school year shall be \$1,900 multiplied by the low
12 income eligible pupil count.

13 (e) For the 1999-2000 school year, the per pupil amount
14 specified in subparagraphs (b), (c), and (d) immediately
15 above shall be increased to \$1,243, \$1,600, and \$2,000,
16 respectively.

17 (f) For the 2000-2001 school year, the per pupil
18 amounts specified in subparagraphs (b), (c), and (d)
19 immediately above shall be \$1,273, \$1,640, and \$2,050,
20 respectively.

21 (2.5) Supplemental general State aid pursuant to this
22 subsection (H) shall be provided as follows for the 2002-2003
23 school year:

24 (a) For any school district with a Low Income
25 Concentration Level of less than 10%, the grant for each
26 school year shall be \$355 multiplied by the low income

1 eligible pupil count.

2 (b) For any school district with a Low Income
3 Concentration Level of at least 10% and less than 20%, the
4 grant for each school year shall be \$675 multiplied by the
5 low income eligible pupil count.

6 (c) For any school district with a Low Income
7 Concentration Level of at least 20% and less than 35%, the
8 grant for each school year shall be \$1,330 multiplied by
9 the low income eligible pupil count.

10 (d) For any school district with a Low Income
11 Concentration Level of at least 35% and less than 50%, the
12 grant for each school year shall be \$1,362 multiplied by
13 the low income eligible pupil count.

14 (e) For any school district with a Low Income
15 Concentration Level of at least 50% and less than 60%, the
16 grant for each school year shall be \$1,680 multiplied by
17 the low income eligible pupil count.

18 (f) For any school district with a Low Income
19 Concentration Level of 60% or more, the grant for each
20 school year shall be \$2,080 multiplied by the low income
21 eligible pupil count.

22 (2.10) Except as otherwise provided, supplemental general
23 State aid pursuant to this subsection (H) shall be provided as
24 follows for the 2003-2004 school year and each school year
25 thereafter:

26 (a) For any school district with a Low Income

1 Concentration Level of 15% or less, the grant for each
2 school year shall be \$355 multiplied by the low income
3 eligible pupil count.

4 (b) For any school district with a Low Income
5 Concentration Level greater than 15%, the grant for each
6 school year shall be \$294.25 added to the product of \$2,700
7 and the square of the Low Income Concentration Level, all
8 multiplied by the low income eligible pupil count.

9 For the 2003-2004 school year and each school year
10 thereafter through the 2008-2009 school year only, the grant
11 shall be no less than the grant for the 2002-2003 school year.
12 For the 2009-2010 school year only, the grant shall be no less
13 than the grant for the 2002-2003 school year multiplied by
14 0.66. For the 2010-2011 school year only, the grant shall be no
15 less than the grant for the 2002-2003 school year multiplied by
16 0.33. Notwithstanding the provisions of this paragraph to the
17 contrary, if for any school year supplemental general State aid
18 grants are prorated as provided in paragraph (1) of this
19 subsection (H), then the grants under this paragraph shall be
20 prorated.

21 For the 2003-2004 school year only, the grant shall be no
22 greater than the grant received during the 2002-2003 school
23 year added to the product of 0.25 multiplied by the difference
24 between the grant amount calculated under subsection (a) or (b)
25 of this paragraph (2.10), whichever is applicable, and the
26 grant received during the 2002-2003 school year. For the

1 2004-2005 school year only, the grant shall be no greater than
2 the grant received during the 2002-2003 school year added to
3 the product of 0.50 multiplied by the difference between the
4 grant amount calculated under subsection (a) or (b) of this
5 paragraph (2.10), whichever is applicable, and the grant
6 received during the 2002-2003 school year. For the 2005-2006
7 school year only, the grant shall be no greater than the grant
8 received during the 2002-2003 school year added to the product
9 of 0.75 multiplied by the difference between the grant amount
10 calculated under subsection (a) or (b) of this paragraph
11 (2.10), whichever is applicable, and the grant received during
12 the 2002-2003 school year.

13 (3) School districts with an Average Daily Attendance of
14 more than 1,000 and less than 50,000 that qualify for
15 supplemental general State aid pursuant to this subsection
16 shall submit a plan to the State Board of Education prior to
17 October 30 of each year for the use of the funds resulting from
18 this grant of supplemental general State aid for the
19 improvement of instruction in which priority is given to
20 meeting the education needs of disadvantaged children. Such
21 plan shall be submitted in accordance with rules and
22 regulations promulgated by the State Board of Education.

23 (4) School districts with an Average Daily Attendance of
24 50,000 or more that qualify for supplemental general State aid
25 pursuant to this subsection shall be required to distribute
26 from funds available pursuant to this Section, no less than

1 \$261,000,000 in accordance with the following requirements:

2 (a) The required amounts shall be distributed to the
3 attendance centers within the district in proportion to the
4 number of pupils enrolled at each attendance center who are
5 eligible to receive free or reduced-price lunches or
6 breakfasts under the federal Child Nutrition Act of 1966
7 and under the National School Lunch Act during the
8 immediately preceding school year.

9 (b) The distribution of these portions of supplemental
10 and general State aid among attendance centers according to
11 these requirements shall not be compensated for or
12 contravened by adjustments of the total of other funds
13 appropriated to any attendance centers, and the Board of
14 Education shall utilize funding from one or several sources
15 in order to fully implement this provision annually prior
16 to the opening of school.

17 (c) Each attendance center shall be provided by the
18 school district a distribution of noncategorical funds and
19 other categorical funds to which an attendance center is
20 entitled under law in order that the general State aid and
21 supplemental general State aid provided by application of
22 this subsection supplements rather than supplants the
23 noncategorical funds and other categorical funds provided
24 by the school district to the attendance centers.

25 (d) Any funds made available under this subsection that
26 by reason of the provisions of this subsection are not

1 required to be allocated and provided to attendance centers
2 may be used and appropriated by the board of the district
3 for any lawful school purpose.

4 (e) Funds received by an attendance center pursuant to
5 this subsection shall be used by the attendance center at
6 the discretion of the principal and local school council
7 for programs to improve educational opportunities at
8 qualifying schools through the following programs and
9 services: early childhood education, reduced class size or
10 improved adult to student classroom ratio, enrichment
11 programs, remedial assistance, attendance improvement, and
12 other educationally beneficial expenditures which
13 supplement the regular and basic programs as determined by
14 the State Board of Education. Funds provided shall not be
15 expended for any political or lobbying purposes as defined
16 by board rule.

17 (f) Each district subject to the provisions of this
18 subdivision (H)(4) shall submit an acceptable plan to meet
19 the educational needs of disadvantaged children, in
20 compliance with the requirements of this paragraph, to the
21 State Board of Education prior to July 15 of each year.
22 This plan shall be consistent with the decisions of local
23 school councils concerning the school expenditure plans
24 developed in accordance with part 4 of Section 34-2.3. The
25 State Board shall approve or reject the plan within 60 days
26 after its submission. If the plan is rejected, the district

1 shall give written notice of intent to modify the plan
2 within 15 days of the notification of rejection and then
3 submit a modified plan within 30 days after the date of the
4 written notice of intent to modify. Districts may amend
5 approved plans pursuant to rules promulgated by the State
6 Board of Education.

7 Upon notification by the State Board of Education that
8 the district has not submitted a plan prior to July 15 or a
9 modified plan within the time period specified herein, the
10 State aid funds affected by that plan or modified plan
11 shall be withheld by the State Board of Education until a
12 plan or modified plan is submitted.

13 If the district fails to distribute State aid to
14 attendance centers in accordance with an approved plan, the
15 plan for the following year shall allocate funds, in
16 addition to the funds otherwise required by this
17 subsection, to those attendance centers which were
18 underfunded during the previous year in amounts equal to
19 such underfunding.

20 For purposes of determining compliance with this
21 subsection in relation to the requirements of attendance
22 center funding, each district subject to the provisions of
23 this subsection shall submit as a separate document by
24 December 1 of each year a report of expenditure data for
25 the prior year in addition to any modification of its
26 current plan. If it is determined that there has been a

1 failure to comply with the expenditure provisions of this
2 subsection regarding contravention or supplanting, the
3 State Superintendent of Education shall, within 60 days of
4 receipt of the report, notify the district and any affected
5 local school council. The district shall within 45 days of
6 receipt of that notification inform the State
7 Superintendent of Education of the remedial or corrective
8 action to be taken, whether by amendment of the current
9 plan, if feasible, or by adjustment in the plan for the
10 following year. Failure to provide the expenditure report
11 or the notification of remedial or corrective action in a
12 timely manner shall result in a withholding of the affected
13 funds.

14 The State Board of Education shall promulgate rules and
15 regulations to implement the provisions of this
16 subsection. No funds shall be released under this
17 subdivision (H) (4) to any district that has not submitted a
18 plan that has been approved by the State Board of
19 Education.

20 (I) (Blank).

21 (J) (Blank).

22 (K) Grants to Laboratory and Alternative Schools.

23 In calculating the amount to be paid to the governing board

1 of a public university that operates a laboratory school under
2 this Section or to any alternative school that is operated by a
3 regional superintendent of schools, the State Board of
4 Education shall require by rule such reporting requirements as
5 it deems necessary.

6 As used in this Section, "laboratory school" means a public
7 school which is created and operated by a public university and
8 approved by the State Board of Education. The governing board
9 of a public university which receives funds from the State
10 Board under this subsection (K) may not increase the number of
11 students enrolled in its laboratory school from a single
12 district, if that district is already sending 50 or more
13 students, except under a mutual agreement between the school
14 board of a student's district of residence and the university
15 which operates the laboratory school. A laboratory school may
16 not have more than 1,000 students, excluding students with
17 disabilities in a special education program.

18 As used in this Section, "alternative school" means a
19 public school which is created and operated by a Regional
20 Superintendent of Schools and approved by the State Board of
21 Education. Such alternative schools may offer courses of
22 instruction for which credit is given in regular school
23 programs, courses to prepare students for the high school
24 equivalency testing program or vocational and occupational
25 training. A regional superintendent of schools may contract
26 with a school district or a public community college district

1 to operate an alternative school. An alternative school serving
2 more than one educational service region may be established by
3 the regional superintendents of schools of the affected
4 educational service regions. An alternative school serving
5 more than one educational service region may be operated under
6 such terms as the regional superintendents of schools of those
7 educational service regions may agree.

8 Each laboratory and alternative school shall file, on forms
9 provided by the State Superintendent of Education, an annual
10 State aid claim which states the Average Daily Attendance of
11 the school's students by month. The best 3 months' Average
12 Daily Attendance shall be computed for each school. The general
13 State aid entitlement shall be computed by multiplying the
14 applicable Average Daily Attendance by the Foundation Level as
15 determined under this Section.

16 (L) Payments, Additional Grants in Aid and Other Requirements.

17 (1) For a school district operating under the financial
18 supervision of an Authority created under Article 34A, the
19 general State aid otherwise payable to that district under this
20 Section, but not the supplemental general State aid, shall be
21 reduced by an amount equal to the budget for the operations of
22 the Authority as certified by the Authority to the State Board
23 of Education, and an amount equal to such reduction shall be
24 paid to the Authority created for such district for its
25 operating expenses in the manner provided in Section 18-11. The

1 remainder of general State school aid for any such district
2 shall be paid in accordance with Article 34A when that Article
3 provides for a disposition other than that provided by this
4 Article.

5 (2) (Blank).

6 (3) Summer school. Summer school payments shall be made as
7 provided in Section 18-4.3.

8 (4) For the 2015-2016 school year and each school year
9 thereafter, the State Board of Education shall, subject to
10 appropriation, provide a supplemental grant to entities that
11 receive general State aid to limit the loss per student due to
12 the difference between the general State aid claim as
13 calculated under this Section and the amount appropriated for
14 purposes of this Section divided by the Average Daily
15 Attendance as set forth in paragraph (2) of subsection (C) of
16 this Section. This supplemental grant must be paid first to the
17 entity with the greatest loss per student and then to the next
18 entity with the greatest loss per student until losses per
19 student are reduced to their smallest possible amount given
20 this appropriation.

21 For the 2016-2017 school year and each school year
22 thereafter, no entity that receives general State aid may
23 receive a smaller percentage of its general State aid claim as
24 calculated under this Section than the entity received in the
25 2015-2016 school year.

1 (M) Education Funding Advisory Board.

2 The Education Funding Advisory Board, hereinafter in this
3 subsection (M) referred to as the "Board", is hereby created.
4 The Board shall consist of 5 members who are appointed by the
5 Governor, by and with the advice and consent of the Senate. The
6 members appointed shall include representatives of education,
7 business, and the general public. One of the members so
8 appointed shall be designated by the Governor at the time the
9 appointment is made as the chairperson of the Board. The
10 initial members of the Board may be appointed any time after
11 the effective date of this amendatory Act of 1997. The regular
12 term of each member of the Board shall be for 4 years from the
13 third Monday of January of the year in which the term of the
14 member's appointment is to commence, except that of the 5
15 initial members appointed to serve on the Board, the member who
16 is appointed as the chairperson shall serve for a term that
17 commences on the date of his or her appointment and expires on
18 the third Monday of January, 2002, and the remaining 4 members,
19 by lots drawn at the first meeting of the Board that is held
20 after all 5 members are appointed, shall determine 2 of their
21 number to serve for terms that commence on the date of their
22 respective appointments and expire on the third Monday of
23 January, 2001, and 2 of their number to serve for terms that
24 commence on the date of their respective appointments and
25 expire on the third Monday of January, 2000. All members
26 appointed to serve on the Board shall serve until their

1 respective successors are appointed and confirmed. Vacancies
2 shall be filled in the same manner as original appointments. If
3 a vacancy in membership occurs at a time when the Senate is not
4 in session, the Governor shall make a temporary appointment
5 until the next meeting of the Senate, when he or she shall
6 appoint, by and with the advice and consent of the Senate, a
7 person to fill that membership for the unexpired term. If the
8 Senate is not in session when the initial appointments are
9 made, those appointments shall be made as in the case of
10 vacancies.

11 The Education Funding Advisory Board shall be deemed
12 established, and the initial members appointed by the Governor
13 to serve as members of the Board shall take office, on the date
14 that the Governor makes his or her appointment of the fifth
15 initial member of the Board, whether those initial members are
16 then serving pursuant to appointment and confirmation or
17 pursuant to temporary appointments that are made by the
18 Governor as in the case of vacancies.

19 The State Board of Education shall provide such staff
20 assistance to the Education Funding Advisory Board as is
21 reasonably required for the proper performance by the Board of
22 its responsibilities.

23 For school years after the 2000-2001 school year, the
24 Education Funding Advisory Board, in consultation with the
25 State Board of Education, shall make recommendations as
26 provided in this subsection (M) to the General Assembly for the

1 foundation level under subdivision (B)(3) of this Section and
2 for the supplemental general State aid grant level under
3 subsection (H) of this Section for districts with high
4 concentrations of children from poverty. The recommended
5 foundation level shall be determined based on a methodology
6 which incorporates the basic education expenditures of
7 low-spending schools exhibiting high academic performance. The
8 Education Funding Advisory Board shall make such
9 recommendations to the General Assembly on January 1 of odd
10 numbered years, beginning January 1, 2001.

11 (N) (Blank).

12 (O) References.

13 (1) References in other laws to the various subdivisions of
14 Section 18-8 as that Section existed before its repeal and
15 replacement by this Section 18-8.05 shall be deemed to refer to
16 the corresponding provisions of this Section 18-8.05, to the
17 extent that those references remain applicable.

18 (2) References in other laws to State Chapter 1 funds shall
19 be deemed to refer to the supplemental general State aid
20 provided under subsection (H) of this Section.

21 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
22 changes to this Section. Under Section 6 of the Statute on
23 Statutes there is an irreconcilable conflict between Public Act

1 93-808 and Public Act 93-838. Public Act 93-838, being the last
2 acted upon, is controlling. The text of Public Act 93-838 is
3 the law regardless of the text of Public Act 93-808.

4 (Q) State Fiscal Year 2015 Payments.

5 For payments made for State fiscal year 2015, the State
6 Board of Education shall, for each school district, calculate
7 that district's pro-rata share of a minimum sum of \$13,600,000
8 or additional amounts as needed from the total net General
9 State Aid funding as calculated under this Section that shall
10 be deemed attributable to the provision of special educational
11 facilities and services, as defined in Section 14-1.08 of this
12 Code, in a manner that ensures compliance with maintenance of
13 State financial support requirements under the federal
14 Individuals with Disabilities Education Act. Each school
15 district must use such funds only for the provision of special
16 educational facilities and services, as defined in Section
17 14-1.08 of this Code, and must comply with any expenditure
18 verification procedures adopted by the State Board of
19 Education.

20 (R) Repealer.

21 If, and only if, the General State Aid Commission submits
22 its proposed school funding formula to the General Assembly on
23 or before December 31, 2016 as required by subsection (d) of
24 Section 18-21, this Section is repealed on June 1, 2017.

1 (Source: P.A. 98-972, eff. 8-15-14; 99-2, eff. 3-26-15.)

2 (105 ILCS 5/18-21 new)

3 Sec. 18-21. General State Aid Commission.

4 (a) There is created a General State Aid Commission to
5 propose a revised school funding formula for Illinois schools.
6 The Commission shall consist of the following members, all of
7 whom shall serve without compensation but shall be reimbursed
8 for their travel expenses from appropriations to the State
9 Board of Education available for that purpose and subject to
10 the rules of the appropriate travel control board:

11 (1) The State Superintendent of Education, who shall
12 also serve as chairperson of the Commission.

13 (2) The chairperson of the State Board of Education.

14 (3) One member appointed by the Governor.

15 (4) Two members appointed by the Speaker of the House
16 of Representatives.

17 (5) Two members appointed by the Minority Leader of the
18 House of Representatives.

19 (6) Two members appointed by the President of the
20 Senate.

21 (7) Two members appointed by the Minority Leader of the
22 Senate.

23 (b) The General State Aid Commission shall meet at the call
24 of the chairperson. The State Board of Education shall provide
25 administrative and other support to the Commission.

1 (c) The General State Aid Commission, acting by affirmative
2 vote of a majority of its members, shall propose a new school
3 funding formula for public schools in this State. The
4 Commission must establish a school funding formula that
5 provides adequate, equitable, transparent, and accountable
6 distribution of funds to school districts that will prepare
7 students for success after high school.

8 (d) The Commission shall submit its proposed school funding
9 formula to the General Assembly for consideration on or before
10 December 31, 2016 by filing copies of its proposal as provided
11 in Section 3.1 of the General Assembly Organization Act. Upon
12 filing its proposal, the Commission is dissolved.

13 (e) This Section is repealed on December 31, 2017.

14 (105 ILCS 5/19b-15)

15 Sec. 19b-15. Applicable laws. Other State laws and related
16 administrative requirements apply to this Article, including,
17 but not limited to, the following laws and related
18 administrative requirements: the Illinois Human Rights Act,
19 ~~the Prevailing Wage Act,~~ the Public Construction Bond Act, the
20 Public Works Preference Act (repealed on June 16, 2010 by
21 Public Act 96-929), the Employment of Illinois Workers on
22 Public Works Act, the Freedom of Information Act, the Open
23 Meetings Act, the Illinois Architecture Practice Act of 1989,
24 the Professional Engineering Practice Act of 1989, the
25 Structural Engineering Practice Act of 1989, the Local

1 Government Professional Services Selection Act, and the
2 Contractor Unified License and Permit Bond Act.

3 (Source: P.A. 97-333, eff. 8-12-11.)

4 Section 5-40. The Public Community College Act is amended
5 by changing Section 1-3 as follows:

6 (110 ILCS 805/1-3)

7 Sec. 1-3. Applicable laws. Other State laws and related
8 administrative requirements apply to this Act, including, but
9 not limited to, the following laws and related administrative
10 requirements: the Illinois Human Rights Act, ~~the Prevailing~~
11 ~~Wage Act,~~ the Public Construction Bond Act, the Employment of
12 Illinois Workers on Public Works Act, the Freedom of
13 Information Act, the Open Meetings Act, the Illinois
14 Architecture Practice Act of 1989, the Professional
15 Engineering Practice Act of 1989, the Structural Engineering
16 Practice Act of 1989, the Local Government Professional
17 Services Selection Act, and the Contractor Unified License and
18 Permit Bond Act. The provisions of the Procurement of Domestic
19 Products Act shall apply to this Act to the extent practicable,
20 provided that the Procurement of Domestic Products Act must not
21 be applied to this Act in a manner that is inconsistent with
22 the requirements of this Act.

23 (Source: P.A. 97-333, eff. 8-12-11; 97-1105, eff. 8-27-12.)

1 Section 5-45. The Illinois Educational Labor Relations Act
2 is amended by changing Sections 4.5 and 7 and by adding
3 Sections 4.7 and 4.8 as follows:

4 (115 ILCS 5/4.5)

5 Sec. 4.5. Subjects of collective bargaining.

6 (a) Notwithstanding the existence of any other provision in
7 this Act or other law, but subject to Section 4.7 and Section
8 4.8, collective bargaining between an educational employer
9 whose territorial boundaries are coterminous with those of a
10 city having a population in excess of 500,000 and an exclusive
11 representative of its employees may include any of the
12 following subjects:

13 (1) (Blank).

14 (2) Decisions to contract with a third party for one or
15 more services otherwise performed by employees in a
16 bargaining unit and the procedures for obtaining such
17 contract or the identity of the third party.

18 (3) Decisions to layoff or reduce in force employees.

19 (4) Decisions to determine class size, class staffing
20 and assignment, class schedules, academic calendar, length
21 of the work and school day with respect to a public school
22 district organized under Article 34 of the School Code
23 only, length of the work and school year with respect to a
24 public school district organized under Article 34 of the
25 School Code only, hours and places of instruction, or pupil

1 assessment policies.

2 (5) Decisions concerning use and staffing of
3 experimental or pilot programs and decisions concerning
4 use of technology to deliver educational programs and
5 services and staffing to provide the technology.

6 (b) The subject or matters described in subsection (a) are
7 permissive subjects of bargaining between an educational
8 employer and an exclusive representative of its employees and,
9 for the purpose of this Act, are within the sole discretion of
10 the educational employer to decide to bargain, provided that
11 the educational employer is required to bargain over the impact
12 of a decision concerning such subject or matter on the
13 bargaining unit upon request by the exclusive representative.
14 During this bargaining, the educational employer shall not be
15 precluded from implementing its decision. If, after a
16 reasonable period of bargaining, a dispute or impasse exists
17 between the educational employer and the exclusive
18 representative, the dispute or impasse shall be resolved
19 exclusively as set forth in subsection (b) of Section 12 of
20 this Act in lieu of a strike under Section 13 of this Act.
21 Neither the Board nor any mediator or fact-finder appointed
22 pursuant to subsection (a-10) of Section 12 of this Act shall
23 have jurisdiction over such a dispute or impasse.

24 (c) A provision in a collective bargaining agreement that
25 was rendered null and void because it involved a prohibited
26 subject of collective bargaining under this subsection (c) as

1 this subsection (c) existed before the effective date of this
2 amendatory Act of the 93rd General Assembly remains null and
3 void and shall not otherwise be reinstated in any successor
4 agreement unless the educational employer and exclusive
5 representative otherwise agree to include an agreement reached
6 on a subject or matter described in subsection (a) of this
7 Section as subsection (a) existed before this amendatory Act of
8 the 93rd General Assembly.

9 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11.)

10 (115 ILCS 5/4.7 new)

11 Sec. 4.7. Local election for permissive bargaining.

12 (a) This subsection (a) applies to each educational
13 employer that has been designated (i) pursuant to this Section
14 as a "permissive educational employer", or (ii) pursuant to
15 Section 4.1 of the Illinois Public Labor Relations Act as a
16 "permissive public employer". For the purposes of this
17 subsection (a), each such employer is referred to as a
18 "permissive educational employer". With respect to a
19 permissive educational employer, the provisions of this
20 subsection (a) apply notwithstanding any other provision of
21 this Act to the contrary.

22 Every matter, other than a matter that is a prohibited
23 subject of bargaining pursuant to Section 4.8 or pursuant to
24 another provision of this Act, is a permissive subject of
25 bargaining between a permissive educational employer and an

1 exclusive representative of its educational employees,
2 including, but not limited to, wages, hours, other terms and
3 conditions of employment, and the impact and implementation of
4 each matter or changes related thereto, and, for the purpose of
5 this Act, are within the sole discretion of the permissive
6 educational employer to decide to bargain, notwithstanding
7 whether the permissive educational employer previously
8 bargained over that matter. It shall be unlawful to engage in a
9 strike over a permissive subject of bargaining over which a
10 permissive educational employer has decided not to bargain.
11 Nothing in this Section shall be construed to impair any
12 contract existing on the date the educational employer becomes
13 a permissive public employer or a permissive educational
14 employer during the term of that contract.

15 With respect to an educational employer that has been
16 designated as a permissive public employer under Section 4.1 of
17 the Illinois Public Labor Relations Act or a permissive
18 educational employer under this Section, the provisions of this
19 subsection (a) apply to both educational employees under this
20 Act and public employees of the employer under the Illinois
21 Public Labor Relations Act.

22 (b) The governing body of an educational employer may, by
23 resolution, elect to be a permissive educational employer
24 under, and be subject to the provisions of, subsection (a) of
25 this Section.

26 (c) If a petition, signed by a number of registered voters

1 equal in number to at least 5% of the total number of
2 registered voters in a public school district or community
3 college district, asking that the public school district or
4 community college district be a "permissive educational
5 employer" under, and be subject to the provisions of,
6 subsection (a) of this Section is presented to the clerk of
7 that public school district or community college district, the
8 clerk shall certify the question of whether that public school
9 district or community college district should be a "permissive
10 educational employer" and subject to such provisions to the
11 proper election authority, who shall submit the question at the
12 next election in accordance with the general election law.

13 The question of whether the school district or community
14 college district to be a "permissive public employer" under,
15 and be subject to the provisions of, subsection (a) of this
16 Section shall be presented in substantially the following form:

17 Shall (insert the legal name of the public school
18 district or community college district) be subject to the
19 provisions of subsection (a) of Section 4.7 of the Illinois
20 Educational Labor Relations Act, such that (insert the
21 legal name of the school district or community college
22 district) would have discretion to determine over which
23 matters it will bargain with labor organizations
24 representing its employees?

25 The votes must be recorded as "Yes" or "No". If a majority
26 of voters voting on the question are in favor of causing the

1 public school district to be subject to subsection (a) of this
2 Section, the public school district or community college
3 district shall be a "permissive educational employer" under,
4 and be subject to the provisions of, subsection (a) of this
5 Section.

6 (115 ILCS 5/4.8 new)

7 Sec. 4.8. Local election to prohibit certain subjects of
8 bargaining.

9 (a) Notwithstanding any other provision of this Act to the
10 contrary, an educational employer may not bargain with an
11 exclusive representative of its educational employees over the
12 following subjects if and to the extent that (i) the governing
13 authority of that educational employer, by ordinance or
14 resolution, decides to prohibit bargaining these subjects or
15 (ii) in the case of an educational employer that is a public
16 school district or a community college district, the voters of
17 that public school district have decided by referendum
18 conducted pursuant to subsection (b) of this Section to
19 prohibit bargaining on:

20 (1) the decision of the employer to contract with a
21 third party for any services, the process for bidding on
22 such a contract, the identity of the provider of such
23 services, or the effect of any such contract on bargaining
24 unit members, provided that this subsection does not limit
25 the ability of employees or a labor organization to bid on

1 any such contract;

2 (2) the payment of wages and benefits in the aggregate
3 to all employees of the employer in excess of the budgeted
4 amount specified by ordinance or resolution of the
5 governing authority of the public employer;

6 (3) the provision of any health insurance, including
7 the payment of premiums, the extent of coverage, or the
8 identity of the insurer;

9 (4) the use of employee time for business of the labor
10 organization, other than reasonable time provided to an
11 employee to attend a grievance hearing when his or her
12 rights are substantially affected by the hearing or his or
13 her testimony is needed for the determination of any
14 substantial factual question;

15 (5) required levels of staffing for departments,
16 divisions, shifts, stations, or assignments;

17 (6) procedures, processes, forms, and criteria for
18 personnel evaluations, or the use of evaluations or
19 seniority in assignments, promotions, layoffs, and
20 reductions-in-force; or

21 (7) curriculum or standards of student academic
22 performance, conduct, and discipline in school.

23 (b) If a petition, signed by a number of registered voters
24 equal in number to at least 5% of the total number of
25 registered voters in a public school district or community
26 college district, asking to prohibit a specific subject of

1 collective bargaining by that is presented to the clerk of that
2 public school district or community college district, the clerk
3 shall certify that question to the proper election authority,
4 who shall submit the question at the next election in
5 accordance with the general election law.

6 The petition shall specify the specific subject of
7 collective bargaining to be prohibited, as set out in
8 paragraphs (1) through (7) of subsection (a) of this Section.
9 Each such paragraph is a separate subject of collective
10 bargaining. Each petition may propose to prohibit collective
11 bargaining of one subject.

12 The question of whether to prohibit a specific subject of
13 collective bargaining shall be presented in substantially the
14 following form:

15 Shall (insert the legal name of the school district or
16 community college district) be prohibited from
17 collectively bargaining with labor organizations
18 representing its employees over (insert the specific
19 subject under subsection (a) of this Section)?

20 The votes must be recorded as "Yes" or "No". If a majority
21 of voters voting on the question are in favor of prohibiting
22 collective bargaining over that subject, that school district
23 or community college district may not bargain with an exclusive
24 representative of its educational employees over that subject.

1 Sec. 7. Recognition of exclusive bargaining
2 representatives - unit determination. The Board is empowered
3 to administer the recognition of bargaining representatives of
4 employees of public school districts, including employees of
5 districts which have entered into joint agreements, or
6 employees of public community college districts, or any State
7 college or university, and any State agency whose major
8 function is providing educational services, making certain
9 that each bargaining unit contains employees with an
10 identifiable community of interest and that no unit includes
11 both professional employees and nonprofessional employees
12 unless a majority of employees in each group vote for inclusion
13 in the unit.

14 (a) In determining the appropriateness of a unit, the Board
15 shall decide in each case, in order to ensure employees the
16 fullest freedom in exercising the rights guaranteed by this
17 Act, the unit appropriate for the purpose of collective
18 bargaining, based upon but not limited to such factors as
19 historical pattern of recognition, community of interest,
20 including employee skills and functions, degree of functional
21 integration, interchangeability and contact among employees,
22 common supervision, wages, hours and other working conditions
23 of the employees involved, and the desires of the employees.
24 Nothing in this Act, except as herein provided, shall interfere
25 with or negate the current representation rights or patterns
26 and practices of employee organizations which have

1 historically represented employees for the purposes of
2 collective bargaining, including but not limited to the
3 negotiations of wages, hours and working conditions,
4 resolutions of employees' grievances, or resolution of
5 jurisdictional disputes, ~~or the establishment and maintenance~~
6 ~~of prevailing wage rates,~~ unless a majority of the employees so
7 represented expresses a contrary desire under the procedures
8 set forth in this Act. This Section, however, does not prohibit
9 multi-unit bargaining. Notwithstanding the above factors,
10 where the majority of public employees of a craft so decide,
11 the Board shall designate such craft as a unit appropriate for
12 the purposes of collective bargaining.

13 The sole appropriate bargaining unit for tenured and
14 tenure-track academic faculty at each campus of the University
15 of Illinois shall be a unit that is comprised of
16 non-supervisory academic faculty employed more than half-time
17 and that includes all tenured and tenure-track faculty of that
18 University campus employed by the board of trustees in all of
19 the campus's undergraduate, graduate, and professional schools
20 and degree and non-degree programs (with the exception of the
21 college of medicine, the college of pharmacy, the college of
22 dentistry, the college of law, and the college of veterinary
23 medicine, each of which shall have its own separate unit),
24 regardless of current or historical representation rights or
25 patterns or the application of any other factors. Any decision,
26 rule, or regulation promulgated by the Board to the contrary

1 shall be null and void.

2 (b) An educational employer shall voluntarily recognize a
3 labor organization for collective bargaining purposes if that
4 organization appears to represent a majority of employees in
5 the unit. The employer shall post notice of its intent to so
6 recognize for a period of at least 20 school days on bulletin
7 boards or other places used or reserved for employee notices.
8 Thereafter, the employer, if satisfied as to the majority
9 status of the employee organization, shall send written
10 notification of such recognition to the Board for
11 certification. Any dispute regarding the majority status of a
12 labor organization shall be resolved by the Board which shall
13 make the determination of majority status.

14 Within the 20 day notice period, however, any other
15 interested employee organization may petition the Board to seek
16 recognition as the exclusive representative of the unit in the
17 manner specified by rules and regulations prescribed by the
18 Board, if such interested employee organization has been
19 designated by at least 15% of the employees in an appropriate
20 bargaining unit which includes all or some of the employees in
21 the unit intended to be recognized by the employer. In such
22 event, the Board shall proceed with the petition in the same
23 manner as provided in paragraph (c) of this Section.

24 (c) A labor organization may also gain recognition as the
25 exclusive representative by an election of the employees in the
26 unit. Petitions requesting an election may be filed with the

1 Board:

2 (1) by an employee or group of employees or any labor
3 organizations acting on their behalf alleging and
4 presenting evidence that 30% or more of the employees in a
5 bargaining unit wish to be represented for collective
6 bargaining or that the labor organization which has been
7 acting as the exclusive bargaining representative is no
8 longer representative of a majority of the employees in the
9 unit; or

10 (2) by an employer alleging that one or more labor
11 organizations have presented a claim to be recognized as an
12 exclusive bargaining representative of a majority of the
13 employees in an appropriate unit and that it doubts the
14 majority status of any of the organizations or that it
15 doubts the majority status of an exclusive bargaining
16 representative.

17 The Board shall investigate the petition and if it has
18 reasonable cause to suspect that a question of representation
19 exists, it shall give notice and conduct a hearing. If it finds
20 upon the record of the hearing that a question of
21 representation exists, it shall direct an election, which shall
22 be held no later than 90 days after the date the petition was
23 filed. Nothing prohibits the waiving of hearings by the parties
24 and the conduct of consent elections.

25 (c-5) The Board shall designate an exclusive
26 representative for purposes of collective bargaining when the

1 representative demonstrates a showing of majority interest by
2 employees in the unit. If the parties to a dispute are without
3 agreement on the means to ascertain the choice, if any, of
4 employee organization as their representative, the Board shall
5 ascertain the employees' choice of employee organization, on
6 the basis of dues deduction authorization or other evidence,
7 or, if necessary, by conducting an election. All evidence
8 submitted by an employee organization to the Board to ascertain
9 an employee's choice of an employee organization is
10 confidential and shall not be submitted to the employer for
11 review. The Board shall ascertain the employee's choice of
12 employee organization within 120 days after the filing of the
13 majority interest petition; however, the Board may extend time
14 by an additional 60 days, upon its own motion or upon the
15 motion of a party to the proceeding. If either party provides
16 to the Board, before the designation of a representative, clear
17 and convincing evidence that the dues deduction
18 authorizations, and other evidence upon which the Board would
19 otherwise rely to ascertain the employees' choice of
20 representative, are fraudulent or were obtained through
21 coercion, the Board shall promptly thereafter conduct an
22 election. The Board shall also investigate and consider a
23 party's allegations that the dues deduction authorizations and
24 other evidence submitted in support of a designation of
25 representative without an election were subsequently changed,
26 altered, withdrawn, or withheld as a result of employer fraud,

1 coercion, or any other unfair labor practice by the employer.
2 If the Board determines that a labor organization would have
3 had a majority interest but for an employer's fraud, coercion,
4 or unfair labor practice, it shall designate the labor
5 organization as an exclusive representative without conducting
6 an election. If a hearing is necessary to resolve any issues of
7 representation under this Section, the Board shall conclude its
8 hearing process and issue a certification of the entire
9 appropriate unit not later than 120 days after the date the
10 petition was filed. The 120-day period may be extended one or
11 more times by the agreement of all parties to a hearing to a
12 date certain.

13 (c-6) A labor organization or an employer may file a unit
14 clarification petition seeking to clarify an existing
15 bargaining unit. The Board shall conclude its investigation,
16 including any hearing process deemed necessary, and issue a
17 certification of clarified unit or dismiss the petition not
18 later than 120 days after the date the petition was filed. The
19 120-day period may be extended one or more times by the
20 agreement of all parties to a hearing to a date certain.

21 (d) An order of the Board dismissing a representation
22 petition, determining and certifying that a labor organization
23 has been fairly and freely chosen by a majority of employees in
24 an appropriate bargaining unit, determining and certifying
25 that a labor organization has not been fairly and freely chosen
26 by a majority of employees in the bargaining unit or certifying

1 a labor organization as the exclusive representative of
2 employees in an appropriate bargaining unit because of a
3 determination by the Board that the labor organization is the
4 historical bargaining representative of employees in the
5 bargaining unit, is a final order. Any person aggrieved by any
6 such order issued on or after the effective date of this
7 amendatory Act of 1987 may apply for and obtain judicial review
8 in accordance with provisions of the Administrative Review Law,
9 as now or hereafter amended, except that such review shall be
10 afforded directly in the Appellate Court of a judicial district
11 in which the Board maintains an office. Any direct appeal to
12 the Appellate Court shall be filed within 35 days from the date
13 that a copy of the decision sought to be reviewed was served
14 upon the party affected by the decision.

15 No election may be conducted in any bargaining unit during
16 the term of a collective bargaining agreement covering such
17 unit or subdivision thereof, except the Board may direct an
18 election after the filing of a petition between January 15 and
19 March 1 of the final year of a collective bargaining agreement.
20 Nothing in this Section prohibits the negotiation of a
21 collective bargaining agreement covering a period not
22 exceeding 3 years. A collective bargaining agreement of less
23 than 3 years may be extended up to 3 years by the parties if the
24 extension is agreed to in writing before the filing of a
25 petition under this Section. In such case, the final year of
26 the extension is the final year of the collective bargaining

1 agreement. No election may be conducted in a bargaining unit,
2 or subdivision thereof, in which a valid election has been held
3 within the preceding 12 month period.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

5 Section 5-50. The Prevailing Wage Act is amended by
6 changing Section 2 and by adding Section 3.5 as follows:

7 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

8 Sec. 2. This Act applies to the wages of laborers,
9 mechanics and other workers employed in any public works, as
10 hereinafter defined, by any public body and to anyone under
11 contracts for public works. This includes any maintenance,
12 repair, assembly, or disassembly work performed on equipment
13 whether owned, leased, or rented.

14 As used in this Act, unless the context indicates
15 otherwise:

16 "Public works" means all fixed works constructed or
17 demolished by any public body, or paid for wholly or in part
18 out of public funds. "Public works" as defined herein includes
19 all projects financed in whole or in part with bonds, grants,
20 loans, or other funds made available by or through the State or
21 any of its political subdivisions, including but not limited
22 to: bonds issued under the Industrial Project Revenue Bond Act
23 (Article 11, Division 74 of the Illinois Municipal Code), the
24 Industrial Building Revenue Bond Act, the Illinois Finance

1 Authority Act, the Illinois Sports Facilities Authority Act, or
2 the Build Illinois Bond Act; loans or other funds made
3 available pursuant to the Build Illinois Act; loans or other
4 funds made available pursuant to the Riverfront Development
5 Fund under Section 10-15 of the River Edge Redevelopment Zone
6 Act; or funds from the Fund for Illinois' Future under Section
7 6z-47 of the State Finance Act, ~~funds for school construction~~
8 ~~under Section 5 of the General Obligation Bond Act, funds~~
9 ~~authorized under Section 3 of the School Construction Bond Act,~~
10 ~~funds for school infrastructure under Section 6z 45 of the~~
11 ~~State Finance Act,~~ and funds for transportation purposes under
12 Section 4 of the General Obligation Bond Act. "Public works"
13 also includes (i) all projects financed in whole or in part
14 with funds from the Department of Commerce and Economic
15 Opportunity under the Illinois Renewable Fuels Development
16 Program Act for which there is no project labor agreement; (ii)
17 all work performed pursuant to a public private agreement under
18 the Public Private Agreements for the Illiana Expressway Act or
19 the Public-Private Agreements for the South Suburban Airport
20 Act; and (iii) all projects undertaken under a public-private
21 agreement under the Public-Private Partnerships for
22 Transportation Act. "Public works" also includes all projects
23 at leased facility property used for airport purposes under
24 Section 35 of the Local Government Facility Lease Act. "Public
25 works" also includes the construction of a new wind power
26 facility by a business designated as a High Impact Business

1 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.
2 "Public works" does not include work done directly by any
3 public utility company, whether or not done under public
4 supervision or direction, or paid for wholly or in part out of
5 public funds. "Public works" also includes any corrective
6 action performed pursuant to Title XVI of the Environmental
7 Protection Act for which payment from the Underground Storage
8 Tank Fund is requested. "Public works" does not include
9 projects undertaken by the owner at an owner-occupied
10 single-family residence or at an owner-occupied unit of a
11 multi-family residence. "Public works" does not include work
12 performed for soil and water conservation purposes on
13 agricultural lands, whether or not done under public
14 supervision or paid for wholly or in part out of public funds,
15 done directly by an owner or person who has legal control of
16 those lands.

17 "Public works" does not include work done or projects
18 performed by or on behalf of a unit of local government, school
19 district, or community college district whether or not done
20 under public supervision or paid for wholly or in part with
21 public funds and whether or not owned by a unit of local
22 government, school district, or community college district.

23 "Construction" means all work on public works involving
24 laborers, workers or mechanics. This includes any maintenance,
25 repair, assembly, or disassembly work performed on equipment
26 whether owned, leased, or rented.

1 "Locality" means the county where the physical work upon
2 public works is performed, except (1) that if there is not
3 available in the county a sufficient number of competent
4 skilled laborers, workers and mechanics to construct the public
5 works efficiently and properly, "locality" includes any other
6 county nearest the one in which the work or construction is to
7 be performed and from which such persons may be obtained in
8 sufficient numbers to perform the work and (2) that, with
9 respect to contracts for highway work with the Department of
10 Transportation of this State, "locality" may at the discretion
11 of the Secretary of the Department of Transportation be
12 construed to include two or more adjacent counties from which
13 workers may be accessible for work on such construction.

14 "Public body" means the State or any officer, board or
15 commission of the State or any political subdivision or
16 department thereof, or any institution supported in whole or in
17 part by public funds; "public body" does not, however, include
18 a unit of local government, school district, or community
19 college district, ~~and includes every county, city, town,~~
20 ~~village, township, school district, irrigation, utility,~~
21 ~~reclamation improvement or other district and every other~~
22 ~~political subdivision, district or municipality of the state~~
23 ~~whether such political subdivision, municipality or district~~
24 ~~operates under a special charter or not.~~

25 The terms "general prevailing rate of hourly wages",
26 "general prevailing rate of wages" or "prevailing rate of

1 wages" when used in this Act mean the hourly cash wages plus
2 annualized fringe benefits for training and apprenticeship
3 programs approved by the U.S. Department of Labor, Bureau of
4 Apprenticeship and Training, health and welfare, insurance,
5 vacations and pensions paid generally, in the locality in which
6 the work is being performed, to employees engaged in work of a
7 similar character on public works.

8 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;
9 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.
10 7-16-14.)

11 (820 ILCS 130/3.5 new)

12 Sec. 3.5. Prevailing wage for workers employed in the
13 construction of fixed works. Each unit of local government,
14 school district, and community college district, including
15 each home rule unit and non-home rule unit, is authorized to
16 require by ordinance or resolution that prevailing wages be
17 paid to laborers, mechanics, and other workers employed in the
18 construction of fixed works by or on behalf of the unit of
19 local government, school district, or community college
20 district, other than public works to which this Act applies,
21 and to provide the mechanism by which prevailing wages shall be
22 ascertained for such projects.

23 Section 5-90. The State Mandates Act is amended by adding
24 Section 8.39 as follows:

1 (30 ILCS 805/8.39 new)

2 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 99th General Assembly.

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3	5 ILCS 315/3	from Ch. 48, par. 1603
4	5 ILCS 315/4.1 new	
5	5 ILCS 315/4.2 new	
6	5 ILCS 315/6	from Ch. 48, par. 1606
7	5 ILCS 315/7	from Ch. 48, par. 1607
8	35 ILCS 200/18-185	
9	35 ILCS 200/18-205	
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22	115 ILCS 5/4.5	
23	115 ILCS 5/4.7 new	
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25	115 ILCS 5/7	from Ch. 48, par. 1707

- 1 820 ILCS 130/2 from Ch. 48, par. 39s-2
- 2 820 ILCS 130/3.5 new
- 3 30 ILCS 805/8.39 new