



Sen. Debbie DeFrancesco Halvorson

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LRB094 03824 JAM 43275 a

1 AMENDMENT TO SENATE BILL 77

2 AMENDMENT NO. _____. Amend Senate Bill 77 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Intergovernmental Cooperation Act is
5 amended by changing Section 6 as follows:

6 (5 ILCS 220/6) (from Ch. 127, par. 746)

7 Sec. 6. Joint self-insurance. An intergovernmental
8 contract may, among other undertakings, authorize public
9 agencies to jointly self-insure and authorize each public
10 agency member of the contract to utilize its funds to pay to a
11 joint insurance pool its costs and reserves to protect, wholly
12 or partially, itself or any public agency member of the
13 contract against liability or loss in the designated insurable
14 area. A joint insurance pool shall have an annual audit
15 performed by an independent certified public accountant and
16 shall file an annual audited financial report with the Director
17 of Insurance no later than 150 days after the end of the pool's
18 immediately preceding fiscal year. The Director of Insurance
19 shall issue rules necessary to implement this audit and report
20 requirement. The rule shall establish the due date for filing
21 the initial annual audited financial report. Within 30 days
22 after January 1, 1991, and within 30 days after each January 1
23 thereafter, public agencies that are jointly self-insured to
24 protect against liability under the Workers' Compensation Act

1 and the Workers' Occupational Diseases Act shall file with the
2 Illinois Workers' Compensation Commission a report indicating
3 an election to self-insure.

4 For purposes of this Section, "public agency member" means
5 any public agency defined or created under this Act, any local
6 public entity as defined in Section 1-206 of the Local
7 Governmental and Governmental Employees Tort Immunity Act, and
8 any public agency, authority, instrumentality, council, board,
9 service region, district, unit, bureau, or, commission, or any
10 municipal corporation, college, or university, whether
11 corporate or otherwise, and any other local governmental body
12 or similar entity that is presently existing or created after
13 the effective date of this amendatory Act of the 92nd General
14 Assembly, whether or not specified in this Section. Only public
15 agency members with tax receipts, tax revenues, taxing
16 authority, or other resources sufficient to pay costs and to
17 service debt related to intergovernmental activities described
18 in this Section, or public agency members created by or as part
19 of a public agency with these powers, may enter into contracts
20 or otherwise associate among themselves as permitted in this
21 Section.

22 No joint insurance pool or other intergovernmental
23 cooperative offering health insurance shall interfere with the
24 statutory obligation of any public agency member to bargain
25 over or to reach agreement with a labor organization over a
26 mandatory subject of collective bargaining as those terms are
27 used in the Illinois Public Labor Relations Act. No
28 intergovernmental contract of insurance offering health
29 insurance shall limit the rights or obligations of public
30 agency members to engage in collective bargaining, and it shall
31 be unlawful for a joint insurance pool or other
32 intergovernmental cooperative offering health insurance to
33 discriminate against public agency members or otherwise
34 retaliate against such members for limiting their

1 participation in a joint insurance pool as a result of a
2 collective bargaining agreement.

3 It shall not be considered a violation of this Section for
4 an intergovernmental contract of insurance relating to health
5 insurance coverage, life insurance coverage, or both to permit
6 the pool or cooperative, if a member withdraws employees or
7 officers into a union-sponsored program, to re-price the costs
8 of benefits provided to the continuing employees or officers
9 based upon the same underwriting criteria used by that pool or
10 cooperative in the normal course of its business, but no member
11 shall be expelled from a pool or cooperative if the continuing
12 employees or officers meet the general criteria required of
13 other members.

14 (Source: P.A. 92-530, eff. 2-8-02; 93-721, eff. 1-1-05.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".