



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4609

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

5 ILCS 315/15	from Ch. 48, par. 1615
20 ILCS 805/805-550 new	
20 ILCS 835/3	from Ch. 105, par. 467

Amends the Illinois Public Labor Relations Act. Provides that neither the Act nor any collective bargaining agreement negotiated under the Act may be construed to limit the ability of the Department of Natural Resources to use members of its Volunteer Network to maintain, during budgetary emergencies, State parks and other properties owned or managed by the Department. Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois and the State Parks Act. Provides that the Department may, during budgetary emergencies, use volunteer labor to maintain State parks and other properties owned or managed by the Department. Provides that "to maintain" includes the mowing of State parks and other properties owned or managed by the Department. Effective immediately.

LRB096 13952 JDS 28731 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 15 as follows:

6 (5 ILCS 315/15) (from Ch. 48, par. 1615)

7 Sec. 15. Act Takes Precedence.

8 (a) In case of any conflict between the provisions of this
9 Act and any other law (other than Section 5 of the State
10 Employees Group Insurance Act of 1971), executive order or
11 administrative regulation relating to wages, hours and
12 conditions of employment and employment relations, the
13 provisions of this Act or any collective bargaining agreement
14 negotiated thereunder shall prevail and control. Nothing in
15 this Act shall be construed to replace or diminish the rights
16 of employees established by Sections 28 and 28a of the
17 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
18 of the Regional Transportation Authority Act. The provisions of
19 this Act are subject to Section 5 of the State Employees Group
20 Insurance Act of 1971. Nothing in this Act shall be construed
21 to replace the necessity of complaints against a sworn peace
22 officer, as defined in Section 2(a) of the Uniform Peace
23 Officer Disciplinary Act, from having a complaint supported by

1 a sworn affidavit. Neither this Act nor any collective
2 bargaining agreement negotiated under this Act may be construed
3 to limit the ability of the Department of Natural Resources to
4 use members of its Volunteer Network to maintain, during
5 budgetary emergencies, State parks, as authorized under
6 Section 3 of the State Parks Act, and other properties that the
7 Department owns or manages, as authorized under Section 805-550
8 of the Department of Natural Resources (Conservation) Law of
9 the Civil Administrative Code of Illinois.

10 (b) Except as provided in subsection (a) above, any
11 collective bargaining contract between a public employer and a
12 labor organization executed pursuant to this Act shall
13 supersede any contrary statutes, charters, ordinances, rules
14 or regulations relating to wages, hours and conditions of
15 employment and employment relations adopted by the public
16 employer or its agents. Any collective bargaining agreement
17 entered into prior to the effective date of this Act shall
18 remain in full force during its duration.

19 (c) It is the public policy of this State, pursuant to
20 paragraphs (h) and (i) of Section 6 of Article VII of the
21 Illinois Constitution, that the provisions of this Act are the
22 exclusive exercise by the State of powers and functions which
23 might otherwise be exercised by home rule units. Such powers
24 and functions may not be exercised concurrently, either
25 directly or indirectly, by any unit of local government,
26 including any home rule unit, except as otherwise authorized by

1 this Act.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 Section 10. The Department of Natural Resources
4 (Conservation) Law of the Civil Administrative Code of Illinois
5 is amended by adding Section 805-550 as follows:

6 (20 ILCS 805/805-550 new)

7 Sec. 805-550. Maintenance of properties by volunteers.

8 (a) During budgetary emergencies, the Department may use
9 members of its Volunteer Network to maintain properties that
10 the Department owns or manages. The Department may structure
11 its Volunteer Program as it sees fit to maintain the properties
12 that it owns or manages.

13 (b) For the purposes of this Section, "to maintain"
14 includes the mowing of properties that the Department owns or
15 manages.

16 Section 15. The State Parks Act is amended by changing
17 Section 3 as follows:

18 (20 ILCS 835/3) (from Ch. 105, par. 467)

19 Sec. 3. Maintenance of State parks.

20 (a) In maintaining the State parks the Department of
21 Natural Resources shall conserve the original character as
22 distinguished from the artificial landscaping of such parks.

1 (b) During budgetary emergencies, the Department of
2 Natural Resources may use members of its Volunteer Network to
3 maintain the State parks. The Department of Natural Resources
4 may structure its Volunteer Program as it sees fit to maintain
5 the State parks.

6 (c) For the purposes of this Section, "to maintain"
7 includes the mowing of the State parks.

8 (Source: P.A. 89-445, eff. 2-7-96.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.