



Sen. John J. Cullerton

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09800HB3088sam002

LRB098 07989 JDS 46523 a

1 AMENDMENT TO HOUSE BILL 3088

2 AMENDMENT NO. _____. Amend House Bill 3088 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. The Illinois Public Labor Relations Act is
5 amended by changing Sections 4 and 15 as follows:

6 (5 ILCS 315/4) (from Ch. 48, par. 1604)

7 Sec. 4. Management Rights. Employers shall not be required
8 to bargain over matters of inherent managerial policy, which
9 shall include such areas of discretion or policy as the
10 functions of the employer, standards of services, its overall
11 budget, the organizational structure and selection of new
12 employees, examination techniques and direction of employees.
13 Employers, however, shall be required to bargain collectively
14 with regard to policy matters directly affecting wages, hours
15 and terms and conditions of employment as well as the impact
16 thereon upon request by employee representatives, but

1 excluding the changes, the impact of the changes, and the
2 implementation of the changes set forth in this amendatory Act
3 of the 98th General Assembly.

4 To preserve the rights of employers and exclusive
5 representatives which have established collective bargaining
6 relationships or negotiated collective bargaining agreements
7 prior to the effective date of this Act, employers shall be
8 required to bargain collectively with regard to any matter
9 concerning wages, hours or conditions of employment about which
10 they have bargained for and agreed to in a collective
11 bargaining agreement prior to the effective date of this Act,
12 but excluding the changes, the impact of the changes, and the
13 implementation of the changes set forth in this amendatory Act
14 of the 98th General Assembly.

15 The chief judge of the judicial circuit that employs a
16 public employee who is a court reporter, as defined in the
17 Court Reporters Act, has the authority to hire, appoint,
18 promote, evaluate, discipline, and discharge court reporters
19 within that judicial circuit.

20 Nothing in this amendatory Act of the 94th General Assembly
21 shall be construed to intrude upon the judicial functions of
22 any court. This amendatory Act of the 94th General Assembly
23 applies only to nonjudicial administrative matters relating to
24 the collective bargaining rights of court reporters.

25 (Source: P.A. 94-98, eff. 7-1-05.)

1 (5 ILCS 315/15) (from Ch. 48, par. 1615)

2 Sec. 15. Act Takes Precedence.

3 (a) In case of any conflict between the provisions of this
4 Act and any other law (other than Section 5 of the State
5 Employees Group Insurance Act of 1971 and other than the
6 changes made to the Illinois Pension Code by Public Act 96-889,
7 Public Act 96-1490, Public Act 96-1495, and the changes, the
8 impact of the changes, and the implementation of the changes
9 made to the Illinois Pension Code by this amendatory Act of the
10 98th ~~96th~~ General Assembly), executive order or administrative
11 regulation relating to wages, hours and conditions of
12 employment and employment relations, the provisions of this Act
13 or any collective bargaining agreement negotiated thereunder
14 shall prevail and control. Nothing in this Act shall be
15 construed to replace or diminish the rights of employees
16 established by Sections 28 and 28a of the Metropolitan Transit
17 Authority Act, Sections 2.15 through 2.19 of the Regional
18 Transportation Authority Act. The provisions of this Act are
19 subject to Section 5 of the State Employees Group Insurance Act
20 of 1971. Nothing in this Act shall be construed to replace the
21 necessity of complaints against a sworn peace officer, as
22 defined in Section 2(a) of the Uniform Peace Officer
23 Disciplinary Act, from having a complaint supported by a sworn
24 affidavit.

25 (b) Except as provided in subsection (a) above, any
26 collective bargaining contract between a public employer and a

1 labor organization executed pursuant to this Act shall
2 supersede any contrary statutes, charters, ordinances, rules
3 or regulations relating to wages, hours and conditions of
4 employment and employment relations adopted by the public
5 employer or its agents. Any collective bargaining agreement
6 entered into prior to the effective date of this Act shall
7 remain in full force during its duration.

8 (c) It is the public policy of this State, pursuant to
9 paragraphs (h) and (i) of Section 6 of Article VII of the
10 Illinois Constitution, that the provisions of this Act are the
11 exclusive exercise by the State of powers and functions which
12 might otherwise be exercised by home rule units. Such powers
13 and functions may not be exercised concurrently, either
14 directly or indirectly, by any unit of local government,
15 including any home rule unit, except as otherwise authorized by
16 this Act.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

18 Section 5. The Illinois Pension Code is amended by changing
19 Sections 5-168 and 6-165 as follows:

20 (40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

21 Sec. 5-168. Financing.

22 (a) Except as expressly provided in this Section, the city
23 shall levy a tax annually upon all taxable property therein for
24 the purpose of providing revenue for the fund.

1 The tax shall be at a rate that will produce a sum which,
2 when added to the amounts deducted from the policemen's
3 salaries and the amounts deposited in accordance with
4 subsection (g), is sufficient for the purposes of the fund.

5 For the years 1968 and 1969, the city council shall levy a
6 tax annually at a rate on the dollar of the assessed valuation
7 of all taxable property that will produce, when extended, not
8 to exceed \$9,700,000. Beginning with the year 1970 and through
9 2021 ~~2014~~, the city council shall levy a tax annually at a rate
10 on the dollar of the assessed valuation of all taxable property
11 that will produce when extended an amount not to exceed the
12 total amount of contributions by the policemen to the Fund made
13 in the calendar year 2 years before the year for which the
14 applicable annual tax is levied, multiplied by 1.40 for the tax
15 levy year 1970; by 1.50 for the year 1971; by 1.65 for 1972; by
16 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975 through 1981;
17 by 2.00 for 1982 and for each year through 2017; by 2.25 for
18 2018; and by 2.50 for 2019 through 2021 ~~2014~~. Beginning in 2022
19 ~~2015~~, the city council shall levy a tax annually at a rate on
20 the dollar of the assessed valuation of all taxable property
21 that will produce when extended an annual amount that is equal
22 to (1) the normal cost to the Fund, plus (2) an annual amount
23 sufficient to bring the total assets of the Fund up to 90% of
24 the total actuarial liabilities of the Fund by the end of
25 fiscal year 2061 ~~2040~~, as annually updated and determined by an
26 enrolled actuary employed by the Illinois Department of

1 Insurance or by an enrolled actuary retained by the Fund or the
2 city. In making these determinations, the required minimum
3 employer contribution shall be calculated each year as a level
4 percentage of payroll over the years remaining up to and
5 including fiscal year 2061 ~~2040~~ and shall be determined under
6 the projected unit credit actuarial cost method. For the
7 purposes of this subsection (a), contributions by the policeman
8 to the Fund shall not include payments made by a policeman to
9 establish credit under Section 5-214.2 of this Code.

10 (a-5) For purposes of determining the required employer
11 contribution to the Fund, the value of the Fund's assets shall
12 be equal to the actuarial value of the Fund's assets, which
13 shall be calculated as follows:

14 (1) On March 30, 2011, the actuarial value of the
15 Fund's assets shall be equal to the market value of the
16 assets as of that date.

17 (2) In determining the actuarial value of the Fund's
18 assets for fiscal years after March 30, 2011, any actuarial
19 gains or losses from investment return incurred in a fiscal
20 year shall be recognized in equal annual amounts over the
21 5-year period following that fiscal year.

22 (a-7) If the city fails to transmit to the Fund
23 contributions required of it under this Article for more than
24 90 days after the payment of those contributions is due, the
25 Fund may, after giving notice to the city, certify to the State
26 Comptroller the amounts of the delinquent payments, and the

1 Comptroller must, beginning in fiscal year 2023 ~~2016~~, deduct
2 and deposit into the Fund the certified amounts or a portion of
3 those amounts from the following proportions of grants of State
4 funds to the city:

5 (1) in fiscal year 2023 ~~2016~~, one-third of the total
6 amount of any grants of State funds to the city;

7 (2) in fiscal year 2024 ~~2017~~, two-thirds of the total
8 amount of any grants of State funds to the city; and

9 (3) in fiscal year 2025 ~~2018~~ and each fiscal year
10 thereafter, the total amount of any grants of State funds
11 to the city.

12 The State Comptroller may not deduct from any grants of
13 State funds to the city more than the amount of delinquent
14 payments certified to the State Comptroller by the Fund.

15 (b) The tax shall be levied and collected in like manner
16 with the general taxes of the city, and is in addition to all
17 other taxes which the city is now or may hereafter be
18 authorized to levy upon all taxable property therein, and is
19 exclusive of and in addition to the amount of tax the city is
20 now or may hereafter be authorized to levy for general purposes
21 under any law which may limit the amount of tax which the city
22 may levy for general purposes. The county clerk of the county
23 in which the city is located, in reducing tax levies under
24 Section 8-3-1 of the Illinois Municipal Code, shall not
25 consider the tax herein authorized as a part of the general tax
26 levy for city purposes, and shall not include the tax in any

1 limitation of the percent of the assessed valuation upon which
2 taxes are required to be extended for the city.

3 (c) On or before January 10 of each year, the board shall
4 notify the city council of the requirement that the tax herein
5 authorized be levied by the city council for that current year.
6 The board shall compute the amounts necessary for the purposes
7 of this fund to be credited to the reserves established and
8 maintained within the fund; shall make an annual determination
9 of the amount of the required city contributions; and shall
10 certify the results thereof to the city council.

11 As soon as any revenue derived from the tax is collected it
12 shall be paid to the city treasurer of the city and shall be
13 held by him for the benefit of the fund in accordance with this
14 Article.

15 (d) If the funds available are insufficient during any year
16 to meet the requirements of this Article, the city may issue
17 tax anticipation warrants against the tax levy for the current
18 fiscal year.

19 (e) The various sums, including interest, to be contributed
20 by the city, shall be taken from the revenue derived from such
21 tax or otherwise as expressly provided in this Section. Any
22 moneys of the city derived from any source other than the tax
23 herein authorized shall not be used for any purpose of the fund
24 nor the cost of administration thereof, unless applied to make
25 the deposit expressly authorized in this Section or the
26 additional city contributions required under subsection (h).

1 (f) If it is not possible or practicable for the city to
2 make its contributions at the time that salary deductions are
3 made, the city shall make such contributions as soon as
4 possible thereafter, with interest thereon to the time it is
5 made.

6 (g) In lieu of levying all or a portion of the tax required
7 under this Section in any year, the city may deposit with the
8 city treasurer no later than March 1 of that year for the
9 benefit of the fund, to be held in accordance with this
10 Article, an amount that, together with the taxes levied under
11 this Section for that year, is not less than the amount of the
12 city contributions for that year as certified by the board to
13 the city council. The deposit may be derived from any source
14 legally available for that purpose, including, but not limited
15 to, the proceeds of city borrowings. The making of a deposit
16 shall satisfy fully the requirements of this Section for that
17 year to the extent of the amounts so deposited. Amounts
18 deposited under this subsection may be used by the fund for any
19 of the purposes for which the proceeds of the tax levied under
20 this Section may be used, including the payment of any amount
21 that is otherwise required by this Article to be paid from the
22 proceeds of that tax.

23 (h) In addition to the contributions required under the
24 other provisions of this Article, by November 1 of the
25 following specified years, the city shall deposit with the city
26 treasurer for the benefit of the fund, to be held and used in

1 accordance with this Article, the following specified amounts:
2 \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001;
3 \$5,040,000 in 2002; and \$4,620,000 in 2003.

4 The additional city contributions required under this
5 subsection are intended to decrease the unfunded liability of
6 the fund and shall not decrease the amount of the city
7 contributions required under the other provisions of this
8 Article. The additional city contributions made under this
9 subsection may be used by the fund for any of its lawful
10 purposes.

11 (Source: P.A. 95-1036, eff. 2-17-09; 96-1495, eff. 1-1-11.)

12 (40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)

13 Sec. 6-165. Financing; tax.

14 (a) Except as expressly provided in this Section, each city
15 shall levy a tax annually upon all taxable property therein for
16 the purpose of providing revenue for the fund. For the years
17 prior to the year 1960, the tax rate shall be as provided for
18 in the "Firemen's Annuity and Benefit Fund of the Illinois
19 Municipal Code". The tax, from and after January 1, 1968 to and
20 including the year 1971, shall not exceed .0863% of the value,
21 as equalized or assessed by the Department of Revenue, of all
22 taxable property in the city. Beginning with the year 1972 and
23 through 2021 ~~2014~~, the city shall levy a tax annually at a rate
24 on the dollar of the value, as equalized or assessed by the
25 Department of Revenue of all taxable property within such city

1 that will produce, when extended, not to exceed an amount equal
2 to the total amount of contributions by the employees to the
3 fund made in the calendar year 2 years prior to the year for
4 which the annual applicable tax is levied, multiplied by 2.23
5 through the calendar year 1981, ~~and~~ by 2.26 for the year 1982
6 and for each year through 2017; by 2.5 for 2018; and by 2.75
7 for 2019 through 2021 ~~2014~~. Beginning in 2022 ~~2015~~, the city
8 council shall levy a tax annually at a rate on the dollar of
9 the assessed valuation of all taxable property that will
10 produce when extended an annual amount that is equal to (1) the
11 normal cost to the Fund, plus (2) an annual amount sufficient
12 to bring the total assets of the Fund up to 90% of the total
13 actuarial liabilities of the Fund by the end of fiscal year
14 2061 ~~2040~~, as annually updated and determined by an enrolled
15 actuary employed by the Illinois Department of Insurance or by
16 an enrolled actuary retained by the Fund or the city. In making
17 these determinations, the required minimum employer
18 contribution shall be calculated each year as a level
19 percentage of payroll over the years remaining up to and
20 including fiscal year 2061 ~~2040~~ and shall be determined under
21 the projected unit credit actuarial cost method.

22 To provide revenue for the ordinary death benefit
23 established by Section 6-150 of this Article, in addition to
24 the contributions by the firemen for this purpose, the city
25 council shall for the year 1962 and each year thereafter
26 annually levy a tax, which shall be in addition to and

1 exclusive of the taxes authorized to be levied under the
2 foregoing provisions of this Section, upon all taxable property
3 in the city, as equalized or assessed by the Department of
4 Revenue, at such rate per cent of the value of such property as
5 shall be sufficient to produce for each year the sum of
6 \$142,000.

7 The amounts produced by the taxes levied annually, together
8 with the deposit expressly authorized in this Section, shall be
9 sufficient, when added to the amounts deducted from the
10 salaries of firemen and applied to the fund, to provide for the
11 purposes of the fund.

12 (a-5) For purposes of determining the required employer
13 contribution to the Fund, the value of the Fund's assets shall
14 be equal to the actuarial value of the Fund's assets, which
15 shall be calculated as follows:

16 (1) On March 30, 2011, the actuarial value of the
17 Fund's assets shall be equal to the market value of the
18 assets as of that date.

19 (2) In determining the actuarial value of the Fund's
20 assets for fiscal years after March 30, 2011, any actuarial
21 gains or losses from investment return incurred in a fiscal
22 year shall be recognized in equal annual amounts over the
23 5-year period following that fiscal year.

24 (a-7) If the city fails to transmit to the Fund
25 contributions required of it under this Article for more than
26 90 days after the payment of those contributions is due, the

1 Fund may, after giving notice to the city, certify to the State
2 Comptroller the amounts of the delinquent payments, and the
3 Comptroller must, beginning in fiscal year 2023 ~~2016~~, deduct
4 and deposit into the Fund the certified amounts or a portion of
5 those amounts from the following proportions of grants of State
6 funds to the city:

7 (1) in fiscal year 2023 ~~2016~~, one-third of the total
8 amount of any grants of State funds to the city;

9 (2) in fiscal year 2024 ~~2017~~, two-thirds of the total
10 amount of any grants of State funds to the city; and

11 (3) in fiscal year 2025 ~~2018~~ and each fiscal year
12 thereafter, the total amount of any grants of State funds
13 to the city.

14 The State Comptroller may not deduct from any grants of
15 State funds to the city more than the amount of delinquent
16 payments certified to the State Comptroller by the Fund.

17 (b) The taxes shall be levied and collected in like manner
18 with the general taxes of the city, and shall be in addition to
19 all other taxes which the city may levy upon all taxable
20 property therein and shall be exclusive of and in addition to
21 the amount of tax the city may levy for general purposes under
22 Section 8-3-1 of the Illinois Municipal Code, approved May 29,
23 1961, as amended, or under any other law or laws which may
24 limit the amount of tax which the city may levy for general
25 purposes.

26 (c) The amounts of the taxes to be levied in each year

1 shall be certified to the city council by the board.

2 (d) As soon as any revenue derived from such taxes is
3 collected, it shall be paid to the city treasurer and held for
4 the benefit of the fund, and all such revenue shall be paid
5 into the fund in accordance with the provisions of this
6 Article.

7 (e) If the funds available are insufficient during any year
8 to meet the requirements of this Article, the city may issue
9 tax anticipation warrants, against the tax levies herein
10 authorized for the current fiscal year.

11 (f) The various sums, hereinafter stated, including
12 interest, to be contributed by the city, shall be taken from
13 the revenue derived from the taxes or otherwise as expressly
14 provided in this Section. Except for defraying the cost of
15 administration of the fund during the calendar year in which a
16 city first attains a population of 500,000 and comes under the
17 provisions of this Article and the first calendar year
18 thereafter, any money of the city derived from any source other
19 than these taxes or the sale of tax anticipation warrants shall
20 not be used to provide revenue for the fund, nor to pay any
21 part of the cost of administration thereof, unless applied to
22 make the deposit expressly authorized in this Section or the
23 additional city contributions required under subsection (h).

24 (g) In lieu of levying all or a portion of the tax required
25 under this Section in any year, the city may deposit with the
26 city treasurer no later than March 1 of that year for the

1 benefit of the fund, to be held in accordance with this
2 Article, an amount that, together with the taxes levied under
3 this Section for that year, is not less than the amount of the
4 city contributions for that year as certified by the board to
5 the city council. The deposit may be derived from any source
6 legally available for that purpose, including, but not limited
7 to, the proceeds of city borrowings. The making of a deposit
8 shall satisfy fully the requirements of this Section for that
9 year to the extent of the amounts so deposited. Amounts
10 deposited under this subsection may be used by the fund for any
11 of the purposes for which the proceeds of the taxes levied
12 under this Section may be used, including the payment of any
13 amount that is otherwise required by this Article to be paid
14 from the proceeds of those taxes.

15 (h) In addition to the contributions required under the
16 other provisions of this Article, by November 1 of the
17 following specified years, the city shall deposit with the city
18 treasurer for the benefit of the fund, to be held and used in
19 accordance with this Article, the following specified amounts:
20 \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001;
21 \$5,040,000 in 2002; and \$4,620,000 in 2003.

22 The additional city contributions required under this
23 subsection are intended to decrease the unfunded liability of
24 the fund and shall not decrease the amount of the city
25 contributions required under the other provisions of this
26 Article. The additional city contributions made under this

1 subsection may be used by the fund for any of its lawful
2 purposes.

3 (Source: P.A. 96-1495, eff. 1-1-11.)

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