

SB0072



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0072

Introduced 1/28/2015, by Sen. Kyle McCarter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Project Labor Agreements Act. Prohibits the State Board of Education and the Capital Development Board from requiring a project labor agreement for any school construction project or grant. Authorizes a board of education to exempt any school construction project from the requirements of the Act. Amends the Downstate Teachers Article of the Illinois Pension Code. Incrementally shifts the System's normal costs to local school districts, but only if certain State mandates are funded by the State. Includes provisions concerning billing, review, and payment. Amends the School Code. Makes changes in provisions concerning mandates for public and private schools. Repeals the Driver's Education Act. Amends the Illinois Educational Labor Relations Act. Prohibits school districts from entering into, amending, or renewing certain technology-related collective bargaining agreements. Amends the Prevailing Wage Act. Provides that a board of education may exempt school construction projects undertaken in the district from the Act. Amends the State Mandates Act to require implementation without reimbursement. Makes other changes. Effective immediately.

LRB099 03745 RPS 23757 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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 and other than the
11 changes made by this amendatory Act of the 99th General
12 Assembly or to the Illinois Pension Code by Public Act 96-889
13 and other than as provided in Section 7.5), executive order or
14 administrative regulation relating to wages, hours and
15 conditions of employment and employment relations, the
16 provisions of this Act or any collective bargaining agreement
17 negotiated thereunder shall prevail and control. Nothing in
18 this Act shall be construed to replace or diminish the rights
19 of employees established by Sections 28 and 28a of the
20 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
21 of the Regional Transportation Authority Act. The provisions of
22 this Act are subject to Section 7.5 of this Act and Section 5
23 of the State Employees Group Insurance Act of 1971. Nothing in

1 this Act shall be construed to replace the necessity of
2 complaints against a sworn peace officer, as defined in Section
3 2(a) of the Uniform Peace Officer Disciplinary Act, from having
4 a complaint supported by a sworn affidavit.

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

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

23 (Source: P.A. 98-599, eff. 6-1-14.)

24 Section 10. The Project Labor Agreements Act is amended by
25 changing Sections 10 and 15 and by adding Section 17 as

1 follows:

2 (30 ILCS 571/10)

3 Sec. 10. Public works projects. Except as provided in
4 Section 17 of this Act, on ~~On~~ a project-by-project basis, a
5 State department, agency, authority, board, or instrumentality
6 that is under the control of the Governor shall include a
7 project labor agreement on a public works project when that
8 department, agency, authority, board, or instrumentality has
9 determined that the agreement advances the State's interests of
10 cost, efficiency, quality, safety, timeliness, skilled labor
11 force, labor stability, or the State's policy to advance
12 minority-owned and women-owned businesses and minority and
13 female employment. For purposes of this Act, any corrective
14 action performed pursuant to Title XVI of the Environmental
15 Protection Act for which payment from the Underground Storage
16 Tank Fund is requested shall be considered a public works
17 project.

18 (Source: P.A. 97-199, eff. 7-27-11; 98-109, eff. 7-25-13.)

19 (30 ILCS 571/15)

20 Sec. 15. Public works projects funded with federal funds.
21 Except as provided in Section 17 of this Act, when ~~When~~ it has
22 been determined that a project labor agreement is appropriate,
23 and in furtherance of the President's Executive Order 13502,
24 the State department, agency, authority, board, or

1 instrumentality responsible for awarding the project may
2 include a project labor agreement on a public works project
3 funded in whole or in part with federal funds.

4 (Source: P.A. 97-199, eff. 7-27-11.)

5 (30 ILCS 571/17 new)

6 Sec. 17. School construction projects; grants.

7 (a) Notwithstanding any other provision of this Act, the
8 State Board of Education and the Capital Development Board
9 shall not require a project labor agreement for any school
10 construction project or any school construction project grant
11 or debt service grant provided under the School Construction
12 Law.

13 (b) Notwithstanding any other provision of this Act, the
14 board of education of any school district may, by passage of a
15 resolution, exempt any school construction project undertaken
16 in the district from the requirements of this Act, unless the
17 district has already entered into a project labor agreement
18 concerning that school construction project.

19 (c) For the purposes of this Section, "school construction
20 project" means the acquisition, development, construction,
21 reconstruction, rehabilitation, improvement, architectural
22 planning, and installation of capital facilities consisting of
23 buildings, structures, durable equipment, and land for
24 educational purposes.

1 Section 15. The Illinois Pension Code is amended by
2 changing Section 16-158 as follows:

3 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

4 Sec. 16-158. Contributions by State and other employing
5 units.

6 (a) The State shall make contributions to the System by
7 means of appropriations from the Common School Fund and other
8 State funds of amounts which, together with other employer
9 contributions, employee contributions, investment income, and
10 other income, will be sufficient to meet the cost of
11 maintaining and administering the System on a 100% funded basis
12 in accordance with actuarial recommendations by the end of
13 State fiscal year 2044.

14 Subject to the conditions set forth in subsection (b-4),
15 the employers under this Article shall be responsible for
16 paying a portion of the normal costs of the System beginning in
17 State fiscal year 2016 and all of the normal costs of the
18 System beginning in State fiscal year 2025.

19 The Board shall determine the amount of State contributions
20 required for each fiscal year on the basis of the actuarial
21 tables and other assumptions adopted by the Board and the
22 recommendations of the actuary, using the formula in subsection
23 (b-3).

24 (a-1) Annually, on or before November 15 through November
25 15, 2011, the Board shall certify to the Governor the amount of

1 the required State contribution for the coming fiscal year. The
2 certification under this subsection (a-1) shall include a copy
3 of the actuarial recommendations upon which it is based.

4 On or before May 1, 2004, the Board shall recalculate and
5 recertify to the Governor the amount of the required State
6 contribution to the System for State fiscal year 2005, taking
7 into account the amounts appropriated to and received by the
8 System under subsection (d) of Section 7.2 of the General
9 Obligation Bond Act.

10 On or before July 1, 2005, the Board shall recalculate and
11 recertify to the Governor the amount of the required State
12 contribution to the System for State fiscal year 2006, taking
13 into account the changes in required State contributions made
14 by this amendatory Act of the 94th General Assembly.

15 On or before April 1, 2011, the Board shall recalculate and
16 recertify to the Governor the amount of the required State
17 contribution to the System for State fiscal year 2011, applying
18 the changes made by Public Act 96-889 to the System's assets
19 and liabilities as of June 30, 2009 as though Public Act 96-889
20 was approved on that date.

21 (a-5) On or before November 1 of each year, beginning
22 November 1, 2012, the Board shall submit to the State Actuary,
23 the Governor, and the General Assembly a proposed certification
24 of the amount of the required State contribution to the System
25 for the next fiscal year, along with all of the actuarial
26 assumptions, calculations, and data upon which that proposed

1 certification is based. On or before January 1 of each year,
2 beginning January 1, 2013, the State Actuary shall issue a
3 preliminary report concerning the proposed certification and
4 identifying, if necessary, recommended changes in actuarial
5 assumptions that the Board must consider before finalizing its
6 certification of the required State contributions.

7 On or before January 15, 2013 and each January 15
8 thereafter, the Board shall certify to the Governor and the
9 General Assembly the amount of the required State contribution
10 for the next fiscal year. The certification shall include a
11 copy of the actuarial recommendations upon which it is based
12 and shall specifically identify the System's projected State
13 normal cost for that fiscal year. The Board's certification
14 must note any deviations from the State Actuary's recommended
15 changes, the reason or reasons for not following the State
16 Actuary's recommended changes, and the fiscal impact of not
17 following the State Actuary's recommended changes on the
18 required State contribution.

19 (a-10) For purposes of Section (c-5) of Section 20 of the
20 Budget Stabilization Act, on or before November 1 of each year
21 beginning November 1, 2014, the Board shall determine the
22 amount of the State contribution to the System that would have
23 been required for the next fiscal year if this amendatory Act
24 of the 98th General Assembly had not taken effect, using the
25 best and most recent available data but based on the law in
26 effect on May 31, 2014. The Board shall submit to the State

1 Actuary, the Governor, and the General Assembly a proposed
2 certification, along with the relevant law, actuarial
3 assumptions, calculations, and data upon which that
4 certification is based. On or before January 1, 2015 and every
5 January 1 thereafter, the State Actuary shall issue a
6 preliminary report concerning the proposed certification and
7 identifying, if necessary, recommended changes in actuarial
8 assumptions that the Board must consider before finalizing its
9 certification. On or before January 15, 2015 and every January
10 1 thereafter, the Board shall certify to the Governor and the
11 General Assembly the amount of the State contribution to the
12 System that would have been required for the next fiscal year
13 if this amendatory Act of the 98th General Assembly had not
14 taken effect, using the best and most recent available data but
15 based on the law in effect on May 31, 2014. The Board's
16 certification must note any deviations from the State Actuary's
17 recommended changes, the reason or reasons for not following
18 the State Actuary's recommended changes, and the impact of not
19 following the State Actuary's recommended changes.

20 (b) Through State fiscal year 1995, the State contributions
21 shall be paid to the System in accordance with Section 18-7 of
22 the School Code.

23 (b-1) Beginning in State fiscal year 1996, on the 15th day
24 of each month, or as soon thereafter as may be practicable, the
25 Board shall submit vouchers for payment of State contributions
26 to the System, in a total monthly amount of one-twelfth of the

1 required annual State contribution certified under subsection
2 (a-1). From the effective date of this amendatory Act of the
3 93rd General Assembly through June 30, 2004, the Board shall
4 not submit vouchers for the remainder of fiscal year 2004 in
5 excess of the fiscal year 2004 certified contribution amount
6 determined under this Section after taking into consideration
7 the transfer to the System under subsection (a) of Section
8 6z-61 of the State Finance Act. These vouchers shall be paid by
9 the State Comptroller and Treasurer by warrants drawn on the
10 funds appropriated to the System for that fiscal year.

11 If in any month the amount remaining unexpended from all
12 other appropriations to the System for the applicable fiscal
13 year (including the appropriations to the System under Section
14 8.12 of the State Finance Act and Section 1 of the State
15 Pension Funds Continuing Appropriation Act) is less than the
16 amount lawfully vouchered under this subsection, the
17 difference shall be paid from the Common School Fund under the
18 continuing appropriation authority provided in Section 1.1 of
19 the State Pension Funds Continuing Appropriation Act.

20 (b-2) Allocations from the Common School Fund apportioned
21 to school districts not coming under this System shall not be
22 diminished or affected by the provisions of this Article.

23 (b-3) For State fiscal years 2015 through 2044, the minimum
24 contribution to the System to be made by the State for each
25 fiscal year shall be an amount determined by the System to be
26 equal to the sum of (1) the State's portion of the projected

1 normal cost for that fiscal year, plus (2) an amount sufficient
2 to bring the total assets of the System up to 100% of the total
3 actuarial liabilities of the System by the end of State fiscal
4 year 2044. In making these determinations, the required State
5 contribution shall be calculated each year as a level
6 percentage of payroll over the years remaining to and including
7 fiscal year 2044 and shall be determined under the projected
8 unit cost method for fiscal year 2015 and under the entry age
9 normal actuarial cost method for fiscal years 2016 through
10 2044.

11 For State fiscal years 2012 through 2014, the minimum
12 contribution to the System to be made by the State for each
13 fiscal year shall be an amount determined by the System to be
14 sufficient to bring the total assets of the System up to 90% of
15 the total actuarial liabilities of the System by the end of
16 State fiscal year 2045. In making these determinations, the
17 required State contribution shall be calculated each year as a
18 level percentage of payroll over the years remaining to and
19 including fiscal year 2045 and shall be determined under the
20 projected unit credit actuarial cost method.

21 For State fiscal years 1996 through 2005, the State
22 contribution to the System, as a percentage of the applicable
23 employee payroll, shall be increased in equal annual increments
24 so that by State fiscal year 2011, the State is contributing at
25 the rate required under this Section; except that in the
26 following specified State fiscal years, the State contribution

1 to the System shall not be less than the following indicated
2 percentages of the applicable employee payroll, even if the
3 indicated percentage will produce a State contribution in
4 excess of the amount otherwise required under this subsection
5 and subsection (a), and notwithstanding any contrary
6 certification made under subsection (a-1) before the effective
7 date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77%
8 in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY
9 2003; and 13.56% in FY 2004.

10 Notwithstanding any other provision of this Article, the
11 total required State contribution for State fiscal year 2006 is
12 \$534,627,700.

13 Notwithstanding any other provision of this Article, the
14 total required State contribution for State fiscal year 2007 is
15 \$738,014,500.

16 For each of State fiscal years 2008 through 2009, the State
17 contribution to the System, as a percentage of the applicable
18 employee payroll, shall be increased in equal annual increments
19 from the required State contribution for State fiscal year
20 2007, so that by State fiscal year 2011, the State is
21 contributing at the rate otherwise required under this Section.

22 Notwithstanding any other provision of this Article, the
23 total required State contribution for State fiscal year 2010 is
24 \$2,089,268,000 and shall be made from the proceeds of bonds
25 sold in fiscal year 2010 pursuant to Section 7.2 of the General
26 Obligation Bond Act, less (i) the pro rata share of bond sale

1 expenses determined by the System's share of total bond
2 proceeds, (ii) any amounts received from the Common School Fund
3 in fiscal year 2010, and (iii) any reduction in bond proceeds
4 due to the issuance of discounted bonds, if applicable.

5 Notwithstanding any other provision of this Article, the
6 total required State contribution for State fiscal year 2011 is
7 the amount recertified by the System on or before April 1, 2011
8 pursuant to subsection (a-1) of this Section and shall be made
9 from the proceeds of bonds sold in fiscal year 2011 pursuant to
10 Section 7.2 of the General Obligation Bond Act, less (i) the
11 pro rata share of bond sale expenses determined by the System's
12 share of total bond proceeds, (ii) any amounts received from
13 the Common School Fund in fiscal year 2011, and (iii) any
14 reduction in bond proceeds due to the issuance of discounted
15 bonds, if applicable. This amount shall include, in addition to
16 the amount certified by the System, an amount necessary to meet
17 employer contributions required by the State as an employer
18 under paragraph (e) of this Section, which may also be used by
19 the System for contributions required by paragraph (a) of
20 Section 16-127.

21 Beginning in State fiscal year 2045, the minimum State
22 contribution for each fiscal year shall be the amount needed to
23 maintain the total assets of the System at 100% of the total
24 actuarial liabilities of the System.

25 Amounts received by the System pursuant to Section 25 of
26 the Budget Stabilization Act or Section 8.12 of the State

1 Finance Act in any fiscal year do not reduce and do not
2 constitute payment of any portion of the minimum State
3 contribution required under this Article in that fiscal year.
4 Such amounts shall not reduce, and shall not be included in the
5 calculation of, the required State contributions under this
6 Article in any future year until the System has reached a
7 funding ratio of at least 100%. A reference in this Article to
8 the "required State contribution" or any substantially similar
9 term does not include or apply to any amounts payable to the
10 System under Section 25 of the Budget Stabilization Act.

11 Notwithstanding any other provision of this Section, the
12 required State contribution for State fiscal year 2005 and for
13 fiscal year 2008 and each fiscal year thereafter through State
14 fiscal year 2014, as calculated under this Section and
15 certified under subsection (a-1), shall not exceed an amount
16 equal to (i) the amount of the required State contribution that
17 would have been calculated under this Section for that fiscal
18 year if the System had not received any payments under
19 subsection (d) of Section 7.2 of the General Obligation Bond
20 Act, minus (ii) the portion of the State's total debt service
21 payments for that fiscal year on the bonds issued in fiscal
22 year 2003 for the purposes of that Section 7.2, as determined
23 and certified by the Comptroller, that is the same as the
24 System's portion of the total moneys distributed under
25 subsection (d) of Section 7.2 of the General Obligation Bond
26 Act. In determining this maximum for State fiscal years 2008

1 through 2010, however, the amount referred to in item (i) shall
2 be increased, as a percentage of the applicable employee
3 payroll, in equal increments calculated from the sum of the
4 required State contribution for State fiscal year 2007 plus the
5 applicable portion of the State's total debt service payments
6 for fiscal year 2007 on the bonds issued in fiscal year 2003
7 for the purposes of Section 7.2 of the General Obligation Bond
8 Act, so that, by State fiscal year 2011, the State is
9 contributing at the rate otherwise required under this Section.

10 (b-4) Beginning in State fiscal year 2016, the minimum
11 required contribution of employers under this Article shall be
12 the following percentages of payroll, but only if, for the
13 specified State fiscal year, the State provides full funding at
14 the State fiscal year 2010 level for the mandates set forth in
15 the School Breakfast and Lunch Program Act and Article 14 and
16 Sections 18-3, 18-4.3, and 29-5 of the School Code:

17 (i) for State fiscal year 2016, 0.5% of the employer's
18 payroll for that fiscal year;

19 (ii) for State fiscal year 2017, 1.0% of the employer's
20 payroll for that fiscal year;

21 (iii) for State fiscal year 2018, 2.0% of the
22 employer's payroll for that fiscal year;

23 (iv) for State fiscal year 2019, 3.0% of the employer's
24 payroll for that fiscal year;

25 (v) for State fiscal year 2020, 4.0% of the employer's
26 payroll for that fiscal year;

1 (vi) for State fiscal year 2021, 5.0% of the employer's
2 payroll for that fiscal year;

3 (vii) for State fiscal year 2022, 6.0% of the
4 employer's payroll for that fiscal year;

5 (viii) for State fiscal year 2023, 7.0% of the
6 employer's payroll for that fiscal year;

7 (ix) for State fiscal year 2024, 8.0% of the employer's
8 payroll for that fiscal year; and

9 (x) for State fiscal year 2025 and each State fiscal
10 year thereafter, 9.0% of the employer's payroll for that
11 fiscal year.

12 If the State does not provide, for a State fiscal year,
13 full funding at the State fiscal year 2010 level for the
14 mandates set forth in the School Breakfast and Lunch Program
15 Act and Article 14 and Sections 18-3, 18-4.3, and 29-5 of the
16 School Code, then the employers shall not be required to make a
17 contribution under this subsection (b-4) for that State fiscal
18 year.

19 Notwithstanding any other provision of this subsection
20 (b-4), the minimum required contribution under this Section for
21 a fiscal year shall not exceed the System's normal costs for
22 that year.

23 Whenever it determines that a payment is or may be required
24 under this subsection (b-4), the System shall calculate the
25 amount of the payment and bill the employer for that amount.
26 The bill shall specify the calculations used to determine the

1 amount due. If the employer disputes the amount of the bill, it
2 may, within 30 days after receipt of the bill, apply to the
3 System in writing for a recalculation. The application must
4 specify in detail the grounds of the dispute. Upon receiving a
5 timely application for recalculation, the System shall review
6 the application and, if appropriate, recalculate the amount
7 due.

8 The employer contributions required under this subsection
9 (b-4) may be paid in the form of a lump sum within 90 days after
10 receipt of the bill. If the employer contributions are not paid
11 within 90 days after receipt of the bill, then interest will be
12 charged at a rate equal to the System's annual actuarially
13 assumed rate of return on investment compounded annually from
14 the 91st day after receipt of the bill. Payments must be
15 concluded within 3 years after the employer's receipt of the
16 bill.

17 The purpose of this subsection (b-4), as well as the
18 school-mandate-related provisions of this amendatory Act of
19 the 99th General Assembly, is to shift certain pension-related
20 costs to employers while lessening the effects of unfunded
21 State mandates in order to ensure the financial stability of
22 affected employers.

23 (c) Payment of the required State contributions and of all
24 pensions, retirement annuities, death benefits, refunds, and
25 other benefits granted under or assumed by this System, and all
26 expenses in connection with the administration and operation

1 thereof, are obligations of the State.

2 If members are paid from special trust or federal funds
3 which are administered by the employing unit, whether school
4 district or other unit, the employing unit shall pay to the
5 System from such funds the full accruing retirement costs based
6 upon that service, which, beginning July 1, 2014, shall be at a
7 rate, expressed as a percentage of salary, equal to the total
8 minimum contribution to the System to be made by the State for
9 that fiscal year, including both normal cost and unfunded
10 liability components, expressed as a percentage of payroll, as
11 determined by the System under subsection (b-3) of this
12 Section. Employer contributions, based on salary paid to
13 members from federal funds, may be forwarded by the
14 distributing agency of the State of Illinois to the System
15 prior to allocation, in an amount determined in accordance with
16 guidelines established by such agency and the System. Any
17 contribution for fiscal year 2015 collected as a result of the
18 change made by this amendatory Act of the 98th General Assembly
19 shall be considered a State contribution under subsection (b-3)
20 of this Section.

21 (d) Effective July 1, 1986, any employer of a teacher as
22 defined in paragraph (8) of Section 16-106 shall pay the
23 employer's normal cost of benefits based upon the teacher's
24 service, in addition to employee contributions, as determined
25 by the System. Such employer contributions shall be forwarded
26 monthly in accordance with guidelines established by the

1 System.

2 However, with respect to benefits granted under Section
3 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
4 of Section 16-106, the employer's contribution shall be 12%
5 (rather than 20%) of the member's highest annual salary rate
6 for each year of creditable service granted, and the employer
7 shall also pay the required employee contribution on behalf of
8 the teacher. For the purposes of Sections 16-133.4 and
9 16-133.5, a teacher as defined in paragraph (8) of Section
10 16-106 who is serving in that capacity while on leave of
11 absence from another employer under this Article shall not be
12 considered an employee of the employer from which the teacher
13 is on leave.

14 (e) Beginning July 1, 1998, every employer of a teacher
15 shall pay to the System an employer contribution computed as
16 follows:

17 (1) Beginning July 1, 1998 through June 30, 1999, the
18 employer contribution shall be equal to 0.3% of each
19 teacher's salary.

20 (2) Beginning July 1, 1999 and thereafter, the employer
21 contribution shall be equal to 0.58% of each teacher's
22 salary.

23 The school district or other employing unit may pay these
24 employer contributions out of any source of funding available
25 for that purpose and shall forward the contributions to the
26 System on the schedule established for the payment of member

1 contributions.

2 These employer contributions are intended to offset a
3 portion of the cost to the System of the increases in
4 retirement benefits resulting from this amendatory Act of 1998.

5 Each employer of teachers is entitled to a credit against
6 the contributions required under this subsection (e) with
7 respect to salaries paid to teachers for the period January 1,
8 2002 through June 30, 2003, equal to the amount paid by that
9 employer under subsection (a-5) of Section 6.6 of the State
10 Employees Group Insurance Act of 1971 with respect to salaries
11 paid to teachers for that period.

12 The additional 1% employee contribution required under
13 Section 16-152 by this amendatory Act of 1998 is the
14 responsibility of the teacher and not the teacher's employer,
15 unless the employer agrees, through collective bargaining or
16 otherwise, to make the contribution on behalf of the teacher.

17 If an employer is required by a contract in effect on May
18 1, 1998 between the employer and an employee organization to
19 pay, on behalf of all its full-time employees covered by this
20 Article, all mandatory employee contributions required under
21 this Article, then the employer shall be excused from paying
22 the employer contribution required under this subsection (e)
23 for the balance of the term of that contract. The employer and
24 the employee organization shall jointly certify to the System
25 the existence of the contractual requirement, in such form as
26 the System may prescribe. This exclusion shall cease upon the

1 termination, extension, or renewal of the contract at any time
2 after May 1, 1998.

3 (f) If the amount of a teacher's salary for any school year
4 used to determine final average salary exceeds the member's
5 annual full-time salary rate with the same employer for the
6 previous school year by more than 6%, the teacher's employer
7 shall pay to the System, in addition to all other payments
8 required under this Section and in accordance with guidelines
9 established by the System, the present value of the increase in
10 benefits resulting from the portion of the increase in salary
11 that is in excess of 6%. This present value shall be computed
12 by the System on the basis of the actuarial assumptions and
13 tables used in the most recent actuarial valuation of the
14 System that is available at the time of the computation. If a
15 teacher's salary for the 2005-2006 school year is used to
16 determine final average salary under this subsection (f), then
17 the changes made to this subsection (f) by Public Act 94-1057
18 shall apply in calculating whether the increase in his or her
19 salary is in excess of 6%. For the purposes of this Section,
20 change in employment under Section 10-21.12 of the School Code
21 on or after June 1, 2005 shall constitute a change in employer.
22 The System may require the employer to provide any pertinent
23 information or documentation. The changes made to this
24 subsection (f) by this amendatory Act of the 94th General
25 Assembly apply without regard to whether the teacher was in
26 service on or after its effective date.

1 Whenever it determines that a payment is or may be required
2 under this subsection, the System shall calculate the amount of
3 the payment and bill the employer for that amount. The bill
4 shall specify the calculations used to determine the amount
5 due. If the employer disputes the amount of the bill, it may,
6 within 30 days after receipt of the bill, apply to the System
7 in writing for a recalculation. The application must specify in
8 detail the grounds of the dispute and, if the employer asserts
9 that the calculation is subject to subsection (g) or (h) of
10 this Section, must include an affidavit setting forth and
11 attesting to all facts within the employer's knowledge that are
12 pertinent to the applicability of that subsection. Upon
13 receiving a timely application for recalculation, the System
14 shall review the application and, if appropriate, recalculate
15 the amount due.

16 The employer contributions required under this subsection
17 (f) may be paid in the form of a lump sum within 90 days after
18 receipt of the bill. If the employer contributions are not paid
19 within 90 days after receipt of the bill, then interest will be
20 charged at a rate equal to the System's annual actuarially
21 assumed rate of return on investment compounded annually from
22 the 91st day after receipt of the bill. Payments must be
23 concluded within 3 years after the employer's receipt of the
24 bill.

25 (g) This subsection (g) applies only to payments made or
26 salary increases given on or after June 1, 2005 but before July

1 1, 2011. The changes made by Public Act 94-1057 shall not
2 require the System to refund any payments received before July
3 31, 2006 (the effective date of Public Act 94-1057).

4 When assessing payment for any amount due under subsection
5 (f), the System shall exclude salary increases paid to teachers
6 under contracts or collective bargaining agreements entered
7 into, amended, or renewed before June 1, 2005.

8 When assessing payment for any amount due under subsection
9 (f), the System shall exclude salary increases paid to a
10 teacher at a time when the teacher is 10 or more years from
11 retirement eligibility under Section 16-132 or 16-133.2.

12 When assessing payment for any amount due under subsection
13 (f), the System shall exclude salary increases resulting from
14 overload work, including summer school, when the school
15 district has certified to the System, and the System has
16 approved the certification, that (i) the overload work is for
17 the sole purpose of classroom instruction in excess of the
18 standard number of classes for a full-time teacher in a school
19 district during a school year and (ii) the salary increases are
20 equal to or less than the rate of pay for classroom instruction
21 computed on the teacher's current salary and work schedule.

22 When assessing payment for any amount due under subsection
23 (f), the System shall exclude a salary increase resulting from
24 a promotion (i) for which the employee is required to hold a
25 certificate or supervisory endorsement issued by the State
26 Teacher Certification Board that is a different certification

1 or supervisory endorsement than is required for the teacher's
2 previous position and (ii) to a position that has existed and
3 been filled by a member for no less than one complete academic
4 year and the salary increase from the promotion is an increase
5 that results in an amount no greater than the lesser of the
6 average salary paid for other similar positions in the district
7 requiring the same certification or the amount stipulated in
8 the collective bargaining agreement for a similar position
9 requiring the same certification.

10 When assessing payment for any amount due under subsection
11 (f), the System shall exclude any payment to the teacher from
12 the State of Illinois or the State Board of Education over
13 which the employer does not have discretion, notwithstanding
14 that the payment is included in the computation of final
15 average salary.

16 (h) When assessing payment for any amount due under
17 subsection (f), the System shall exclude any salary increase
18 described in subsection (g) of this Section given on or after
19 July 1, 2011 but before July 1, 2014 under a contract or
20 collective bargaining agreement entered into, amended, or
21 renewed on or after June 1, 2005 but before July 1, 2011.
22 Notwithstanding any other provision of this Section, any
23 payments made or salary increases given after June 30, 2014
24 shall be used in assessing payment for any amount due under
25 subsection (f) of this Section.

26 (i) The System shall prepare a report and file copies of

1 the report with the Governor and the General Assembly by
2 January 1, 2007 that contains all of the following information:

3 (1) The number of recalculations required by the
4 changes made to this Section by Public Act 94-1057 for each
5 employer.

6 (2) The dollar amount by which each employer's
7 contribution to the System was changed due to
8 recalculations required by Public Act 94-1057.

9 (3) The total amount the System received from each
10 employer as a result of the changes made to this Section by
11 Public Act 94-4.

12 (4) The increase in the required State contribution
13 resulting from the changes made to this Section by Public
14 Act 94-1057.

15 (j) For purposes of determining the required State
16 contribution to the System, the value of the System's assets
17 shall be equal to the actuarial value of the System's assets,
18 which shall be calculated as follows:

19 As of June 30, 2008, the actuarial value of the System's
20 assets shall be equal to the market value of the assets as of
21 that date. In determining the actuarial value of the System's
22 assets for fiscal years after June 30, 2008, any actuarial
23 gains or losses from investment return incurred in a fiscal
24 year shall be recognized in equal annual amounts over the
25 5-year period following that fiscal year.

26 (k) For purposes of determining the required State

1 contribution to the system for a particular year, the actuarial
2 value of assets shall be assumed to earn a rate of return equal
3 to the system's actuarially assumed rate of return.

4 (Source: P.A. 97-694, eff. 6-18-12; 97-813, eff. 7-13-12;
5 98-599, eff. 6-1-14; 98-674, eff. 6-30-14.)

6 Section 20. The School Code is amended by changing Sections
7 2-3.11, 10-22.34c, 14-2, and 22-60 as follows:

8 (105 ILCS 5/2-3.11) (from Ch. 122, par. 2-3.11)

9 Sec. 2-3.11. Report to Governor and General Assembly. To
10 report to the Governor and General Assembly annually on or
11 before January 14 the condition of the schools of the State
12 using the most recently available data.

13 Such annual report shall contain reports of the State
14 Teacher Certification Board; the schools of the State
15 charitable institutions; reports on ~~driver education,~~ special
16 education, and transportation; and for such year the annual
17 statistical reports of the State Board of Education, including
18 the number and kinds of school districts; number of school
19 attendance centers; number of men and women teachers;
20 enrollment by grades; total enrollment; total days attendance;
21 total days absence; average daily attendance; number of
22 elementary and secondary school graduates; assessed valuation;
23 tax levies and tax rates for various purposes; amount of
24 teachers' orders, anticipation warrants, and bonds

1 outstanding; and number of men and women teachers and total
2 enrollment of private schools. The report shall give for all
3 school districts receipts from all sources and expenditures for
4 all purposes for each fund; the total operating expense, the
5 per capita cost, and instructional expenditures; federal and
6 state aids and reimbursements; new school buildings, and
7 recognized schools; together with such other information and
8 suggestions as the State Board of Education may deem important
9 in relation to the schools and school laws and the means of
10 promoting education throughout the state.

11 In this Section, "instructional expenditures" means the
12 annual expenditures of school districts properly attributable
13 to expenditure functions defined in rules of the State Board of
14 Education as: 1100 (Regular Education); 1200-1220 (Special
15 Education); 1250 (Ed. Deprived/Remedial); 1400 (Vocational
16 Programs); 1600 (Summer School); 1650 (Gifted); 1800
17 (Bilingual Programs); 1900 (Truant Alternative); 2110
18 (Attendance and Social Work Services); 2120 (Guidance
19 Services); 2130 (Health Services); 2140 (Psychological
20 Services); 2150 (Speech Pathology and Audiology Services);
21 2190 (Other Support Services Pupils); 2210 (Improvement of
22 Instruction); 2220 (Educational Media Services); 2230
23 (Assessment and Testing); 2540 (Operation and Maintenance of
24 Plant Services); 2550 (Pupil Transportation Service); 2560
25 (Food Service); 4110 (Payments for Regular Programs); 4120
26 (Payments for Special Education Programs); 4130 (Payments for

1 Adult Education Programs); 4140 (Payments for Vocational
2 Education Programs); 4170 (Payments for Community College
3 Programs); 4190 (Other payments to in-state government units);
4 and 4200 (Other payments to out of state government units).
5 (Source: P.A. 95-793, eff. 1-1-09; 96-734, eff. 8-25-09.)

6 (105 ILCS 5/10-22.34c)

7 Sec. 10-22.34c. Third party non-instructional services.
8 Notwithstanding any other law of this State, nothing in this
9 Code prevents a ~~(a) A~~ board of education from entering ~~may~~
10 ~~enter~~ into a contract with a third party for non-instructional
11 services currently performed by any employee or bargaining unit
12 member or from laying ~~lay~~ off those educational support
13 personnel employees upon 30 ~~90~~ days written notice to the
14 affected employees. ~~7, provided that:~~

15 ~~(1) a contract must not be entered into and become~~
16 ~~effective during the term of a collective bargaining~~
17 ~~agreement, as that term is set forth in the agreement,~~
18 ~~covering any employees who perform the non instructional~~
19 ~~services;~~

20 ~~(2) a contract may only take effect upon the expiration~~
21 ~~of an existing collective bargaining agreement;~~

22 ~~(3) any third party that submits a bid to perform the~~
23 ~~non-instructional services shall provide the following:~~

24 ~~(A) evidence of liability insurance in scope and~~
25 ~~amount equivalent to the liability insurance provided~~

1 ~~by the school board pursuant to Section 10-22.3 of this~~
2 ~~Code;~~

3 ~~(B) a benefits package for the third party's~~
4 ~~employees who will perform the non-instructional~~
5 ~~services comparable to the benefits package provided~~
6 ~~to school board employees who perform those services;~~

7 ~~(C) a list of the number of employees who will~~
8 ~~provide the non-instructional services, the job~~
9 ~~classifications of those employees, and the wages the~~
10 ~~third party will pay those employees;~~

11 ~~(D) a minimum 3-year cost projection, using~~
12 ~~generally accepted accounting principles and which the~~
13 ~~third party is prohibited from increasing if the bid is~~
14 ~~accepted by the school board, for each and every~~
15 ~~expenditure category and account for performing the~~
16 ~~non-instructional services;~~

17 ~~(E) composite information about the criminal and~~
18 ~~disciplinary records, including alcohol or other~~
19 ~~substance abuse, Department of Children and Family~~
20 ~~Services complaints and investigations, traffic~~
21 ~~violations, and license revocations or any other~~
22 ~~licensure problems, of any employees who may perform~~
23 ~~the non-instructional services, provided that the~~
24 ~~individual names and other identifying information of~~
25 ~~employees need not be provided with the submission of~~
26 ~~the bid, but must be made available upon request of the~~

1 ~~school board; and~~

2 ~~(F) an affidavit, notarized by the president or~~
3 ~~chief executive officer of the third party, that each~~
4 ~~of its employees has completed a criminal background~~
5 ~~check as required by Section 10-21.9 of this Code~~
6 ~~within 3 months prior to submission of the bid,~~
7 ~~provided that the results of such background checks~~
8 ~~need not be provided with the submission of the bid,~~
9 ~~but must be made available upon request of the school~~
10 ~~board;~~

11 ~~(4) a contract must not be entered into unless the~~
12 ~~school board provides a cost comparison, using generally~~
13 ~~accepted accounting principles, of each and every~~
14 ~~expenditure category and account that the school board~~
15 ~~projects it would incur over the term of the contract if it~~
16 ~~continued to perform the non instructional services using~~
17 ~~its own employees with each and every expenditure category~~
18 ~~and account that is projected a third party would incur if~~
19 ~~a third party performed the non instructional services;~~

20 ~~(5) review and consideration of all bids by third~~
21 ~~parties to perform the non instructional services shall~~
22 ~~take place in open session of a regularly scheduled school~~
23 ~~board meeting, unless the exclusive bargaining~~
24 ~~representative of the employees who perform the~~
25 ~~non instructional services, if any such exclusive~~
26 ~~bargaining representative exists, agrees in writing that~~

1 ~~such review and consideration can take place in open~~
2 ~~session at a specially scheduled school board meeting;~~

3 ~~(6) a minimum of one public hearing, conducted by the~~
4 ~~school board prior to a regularly scheduled school board~~
5 ~~meeting, to discuss the school board's proposal to contract~~
6 ~~with a third party to perform the non instructional~~
7 ~~services must be held before the school board may enter~~
8 ~~into such a contract; the school board must provide notice~~
9 ~~to the public of the date, time, and location of the first~~
10 ~~public hearing on or before the initial date that bids to~~
11 ~~provide the non instructional services are solicited or a~~
12 ~~minimum of 30 days prior to entering into such a contract,~~
13 ~~whichever provides a greater period of notice;~~

14 ~~(7) a contract shall contain provisions requiring the~~
15 ~~contractor to offer available employee positions pursuant~~
16 ~~to the contract to qualified school district employees~~
17 ~~whose employment is terminated because of the contract; and~~

18 ~~(8) a contract shall contain provisions requiring the~~
19 ~~contractor to comply with a policy of nondiscrimination and~~
20 ~~equal employment opportunity for all persons and to take~~
21 ~~affirmative steps to provide equal opportunity for all~~
22 ~~persons.~~

23 (b) (Blank). ~~Notwithstanding subsection (a) of this~~
24 ~~Section, a board of education may enter into a contract, of no~~
25 ~~longer than 3 months in duration, with a third party for~~
26 ~~non instructional services currently performed by an employee~~

1 ~~or bargaining unit member for the purpose of augmenting the~~
2 ~~current workforce in an emergency situation that threatens the~~
3 ~~safety or health of the school district's students or staff,~~
4 ~~provided that the school board meets all of its obligations~~
5 ~~under the Illinois Educational Labor Relations Act.~~

6 (c) (Blank). ~~The changes to this Section made by this~~
7 ~~amendatory Act of the 95th General Assembly are not applicable~~
8 ~~to non instructional services of a school district that on the~~
9 ~~effective date of this amendatory Act of the 95th General~~
10 ~~Assembly are performed for the school district by a third~~
11 ~~party.~~

12 (Source: P.A. 95-241, eff. 8-17-07; 96-328, eff. 8-11-09.)

13 (105 ILCS 5/14-2)

14 Sec. 14-2. Class size ~~Definition~~ of general education
15 classes ~~classroom~~ for special education students receiving
16 services in the general education classes and special education
17 classrooms for special education students receiving services
18 in the special education classroom.

19 (a) The State Board of Education shall have no authority to
20 adopt or promulgate any administrative rules or regulations
21 that establish or limit the class size or ratio of the student
22 population of a general education class for students receiving
23 services in general education classes beyond what may be
24 required by federal rule or law, unless the State Board of
25 Education fully funds the cost of additional teachers and other

1 staff that are required by such class size limitation. ~~With~~
2 ~~respect to any State statute or administrative rule that~~
3 ~~defines a general education classroom to be composed of a~~
4 ~~certain percentage of students with individualized education~~
5 ~~programs (IEPs), students with individualized education~~
6 ~~programs shall exclude students receiving only speech services~~
7 ~~outside of the general education classroom, provided that the~~
8 ~~instruction the students receive in the general education~~
9 ~~classroom does not require modification.~~

10 (b) The State Board of Education shall have no authority to
11 adopt or promulgate any administrative rules or regulations
12 that establish or limit the class size of special education
13 classes beyond what may be required by federal rule or law,
14 unless the State Board of Education fully funds the cost of
15 additional teachers and other staff that are required by such
16 class size limitation. "Special Education Classes" means any
17 circumstance where only students with individual education
18 plans are served and at least one special education teacher is
19 assigned and provides instruction or therapy exclusively to
20 students with individual education plans. ~~In every instance, a~~
21 ~~school district must ensure that composition of the general~~
22 ~~education classroom does not interfere with the provision of a~~
23 ~~free and appropriate public education to any student.~~

24 (c) Any rule or regulation in effect establishing or
25 limiting the class size or ratio of student population of
26 general education classes for special education students

1 receiving services in general education classes or
2 establishing or limiting the class size of special education
3 classes is hereby null and void on the effective date of this
4 amendatory Act of the 99th General Assembly.

5 (Source: P.A. 97-284, eff. 8-9-11.)

6 (105 ILCS 5/22-60)

7 Sec. 22-60. Unfunded mandates prohibited.

8 (a) No ~~public school district or private school~~ is
9 obligated to comply with any statutory or regulatory mandate or
10 requirement ~~the following types of mandates~~ unless a separate
11 appropriation has been enacted into law providing ~~full~~ funding
12 for the ~~mandate for the~~ school year during which the mandate is
13 required. ~~+~~

14 ~~(1) Any mandate in this Code enacted after the~~
15 ~~effective date of this amendatory Act of the 96th General~~
16 ~~Assembly.~~

17 ~~(2) Any regulatory mandate promulgated by the State~~
18 ~~Board of Education and adopted by rule after the effective~~
19 ~~date of this amendatory Act of the 96th General Assembly~~
20 ~~other than those promulgated with respect to this Section~~
21 ~~or statutes already enacted on or before the effective date~~
22 ~~of this amendatory Act of the 96th General Assembly.~~

23 (b) If the amount appropriated to fund a statutory or
24 regulatory mandate or requirement is insufficient to ~~described~~
25 ~~in subsection (a) of this Section does not~~ fully fund the

1 mandated activity, then the school district ~~or private school~~
2 may choose to discontinue or modify the mandated activity to
3 ensure that the costs of compliance do not exceed the funding
4 received. Official action by a school board must take place
5 before a school district may discontinue or modify a mandated
6 activity due to insufficient funding from the State. If a
7 school district discontinues or modifies a mandated activity
8 due to insufficient funding from the State, then the school
9 district shall maintain a list of discontinued or modified
10 mandated activities. The list shall be provided to the State
11 Board of Education upon request.

12 ~~Before discontinuing or modifying the mandate, the school~~
13 ~~district shall petition its regional superintendent of schools~~
14 ~~on or before February 15 of each year to request to be exempt~~
15 ~~from implementing the mandate in a school or schools in the~~
16 ~~next school year. The petition shall include all legitimate~~
17 ~~costs associated with implementing and operating the mandate,~~
18 ~~the estimated reimbursement from State and federal sources, and~~
19 ~~any unique circumstances the school district can verify that~~
20 ~~exist that would cause the implementation and operation of such~~
21 ~~a mandate to be cost prohibitive.~~

22 ~~The regional superintendent of schools shall review the~~
23 ~~petition. In accordance with the Open Meetings Act, he or she~~
24 ~~shall convene a public hearing to hear testimony from the~~
25 ~~school district and interested community members. The regional~~
26 ~~superintendent shall, on or before March 15 of each year,~~

1 ~~inform the school district of his or her decision, along with~~
2 ~~the reasons why the exemption was granted or denied, in~~
3 ~~writing. The regional superintendent must also send~~
4 ~~notification to the State Board of Education detailing which~~
5 ~~school districts requested an exemption and the results.~~

6 ~~If the regional superintendent grants an exemption to the~~
7 ~~school district, then the school district is relieved from the~~
8 ~~requirement to establish and implement the mandate in the~~
9 ~~school or schools granted an exemption for the next school~~
10 ~~year. If the regional superintendent of schools does not grant~~
11 ~~an exemption, then the school district shall implement the~~
12 ~~mandate in accordance with the applicable law or rule by the~~
13 ~~first student attendance day of the next school year. However,~~
14 ~~the school district or a resident of the school district may on~~
15 ~~or before April 15 appeal the decision of the regional~~
16 ~~superintendent to the State Superintendent of Education. The~~
17 ~~State Superintendent shall hear appeals on the decisions of~~
18 ~~regional superintendents of schools no later than May 15 of~~
19 ~~each year. The State Superintendent shall make a final decision~~
20 ~~at the conclusion of the hearing on the school district's~~
21 ~~request for an exemption from the mandate. If the State~~
22 ~~Superintendent grants an exemption, then the school district is~~
23 ~~relieved from the requirement to implement a mandate in the~~
24 ~~school or schools granted an exemption for the next school~~
25 ~~year. If the State Superintendent does not grant an exemption,~~
26 ~~then the school district shall implement the mandate in~~

1 ~~accordance with the applicable law or rule by the first student~~
2 ~~attendance day of the next school year.~~

3 ~~If a school district or private school discontinues or~~
4 ~~modifies a mandated activity due to lack of full funding from~~
5 ~~the State, then the school district or private school shall~~
6 ~~annually maintain and update a list of discontinued or modified~~
7 ~~mandated activities. The list shall be provided to the State~~
8 ~~Board of Education upon request.~~

9 (c) (Blank). ~~This Section does not apply to (i) any new~~
10 ~~statutory or regulatory mandates related to revised learning~~
11 ~~standards developed through the Common Core State Standards~~
12 ~~Initiative and assessments developed to align with those~~
13 ~~standards or actions specified in this State's Phase 2 Race to~~
14 ~~the Top Grant application if the application is approved by the~~
15 ~~United States Department of Education or (ii) new statutory or~~
16 ~~regulatory mandates from the Race to the Top Grant through the~~
17 ~~federal American Recovery and Reinvestment Act of 2009 imposed~~
18 ~~on school districts designated as being in the lowest~~
19 ~~performing 5% of schools within the Race to the Top Grant~~
20 ~~application.~~

21 (d) (Blank). ~~In any instances in which this Section~~
22 ~~conflicts with the State Mandates Act, the State Mandates Act~~
23 ~~shall prevail.~~

24 (Source: P.A. 96-1441, eff. 8-20-10.)

25 (105 ILCS 5/27-24 rep.)

- 1 (105 ILCS 5/27-24.1 rep.)
2 (105 ILCS 5/27-24.2 rep.)
3 (105 ILCS 5/27-24.3 rep.)
4 (105 ILCS 5/27-24.4 rep.)
5 (105 ILCS 5/27-24.5 rep.)
6 (105 ILCS 5/27-24.6 rep.)
7 (105 ILCS 5/27-24.7 rep.)
8 (105 ILCS 5/27-24.8 rep.)
9 (105 ILCS 5/27-24.9 rep.)
10 (105 ILCS 5/27-24.10 rep.)

11 Section 25. The School Code is amended by repealing
12 Sections 27-24, 27-24.1, 27-24.2, 27-24.3, 27-24.4, 27-24.5,
13 27-24.6, 27-24.7, 27-24.8, 27-24.9, and 27-24.10.

14 Section 30. The Illinois Educational Labor Relations Act is
15 amended by changing Section 4.5 and 17 as follows:

16 (115 ILCS 5/4.5)

17 Sec. 4.5. Subjects of collective bargaining.

18 (a) Notwithstanding the existence of any other provision in
19 this Act or other law, except subsection (a-5) of this Section,
20 collective bargaining between an educational employer whose
21 territorial boundaries are coterminous with those of a city
22 having a population in excess of 500,000 and an exclusive
23 representative of its employees may include any of the
24 following subjects:

1 (1) (Blank).

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

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

7 (4) Decisions to determine class size, class staffing
8 and assignment, class schedules, academic calendar, length
9 of the work and school day with respect to a public school
10 district organized under Article 34 of the School Code
11 only, length of the work and school year with respect to a
12 public school district organized under Article 34 of the
13 School Code only, hours and places of instruction, or pupil
14 assessment policies.

15 (5) Decisions concerning use and staffing of
16 experimental or pilot programs and decisions concerning
17 use of technology to deliver educational programs and
18 services and staffing to provide the technology.

19 (a-5) On and after the effective date of this amendatory
20 Act of the 99th General Assembly, a school district organized
21 under Article 34 of the School Code and an exclusive
22 representative of that district's employees shall not enter
23 into, amend, or renew a collective bargaining agreement that
24 relates to decisions concerning the use and staffing of
25 experimental or pilot programs or decisions concerning the use
26 of technology to deliver educational programs and services and

1 staffing to provide the technology.

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

20 (c) A provision in a collective bargaining agreement that
21 was rendered null and void because it involved a prohibited
22 subject of collective bargaining under this subsection (c) as
23 this subsection (c) existed before the effective date of this
24 amendatory Act of the 93rd General Assembly remains null and
25 void and shall not otherwise be reinstated in any successor
26 agreement unless the educational employer and exclusive

1 representative otherwise agree to include an agreement reached
2 on a subject or matter described in subsection (a) of this
3 Section as subsection (a) existed before this amendatory Act of
4 the 93rd General Assembly.

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

6 (115 ILCS 5/17) (from Ch. 48, par. 1717)

7 Sec. 17. Effect on other laws. Except as provided in
8 Section 10.5, in case of any conflict between the provisions of
9 this Act and any other law (other than the changes made by this
10 amendatory Act of the 99th General Assembly), executive order
11 or administrative regulation, the provisions of this Act shall
12 prevail and control. Except as provided in Section 10.5,
13 nothing in this Act shall be construed to replace or diminish
14 the rights of employees established by Section 36d of "An Act
15 to create the State Universities Civil Service System",
16 approved May 11, 1905, as amended or modified.

17 (Source: P.A. 98-599, eff. 6-1-14.)

18 Section 35. The Illinois Vehicle Code is amended by
19 changing Sections 1-103 and 6-103 as follows:

20 (625 ILCS 5/1-103) (from Ch. 95 1/2, par. 1-103)

21 Sec. 1-103. Approved driver education course. (a) Any
22 course of driver education approved by the State Board of
23 Education, offered by public or private schools maintaining

1 grades 9 through 12, ~~and meeting at least the minimum~~
2 ~~requirements of the "Driver Education Act", as now or hereafter~~
3 ~~amended,~~ (b) any course of driver education offered by a school
4 licensed to give driver education instructions under this Code
5 ~~that Act which meets at least the minimum educational~~
6 ~~requirements of the "Driver Education Act", as now or hereafter~~
7 ~~amended,~~ and is approved by the State Board of Education, (c)
8 any course of driver education given in another state ~~State~~ to
9 an Illinois resident attending school in such state ~~State~~ and
10 approved by the state ~~State~~ administrator of the Driver
11 Education Program of such other state ~~State~~, or (d) any course
12 of driver education given at a Department of Defense Education
13 Activity school that is approved by the Department of Defense
14 Education Activity and taught by an adult driver education
15 instructor or traffic safety officer.

16 (Source: P.A. 96-740, eff. 1-1-10.)

17 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

18 Sec. 6-103. What persons shall not be licensed as drivers
19 or granted permits. The Secretary of State shall not issue,
20 renew, or allow the retention of any driver's license nor issue
21 any permit under this Code:

22 1. To any person, as a driver, who is under the age of
23 18 years except as provided in Section 6-107, and except
24 that an instruction permit may be issued under Section
25 6-107.1 to a child who is not less than 15 years of age if

1 the child is enrolled in an approved driver education
2 course as defined in Section 1-103 of this Code and
3 requires an instruction permit to participate therein,
4 except that an instruction permit may be issued under the
5 provisions of Section 6-107.1 to a child who is 17 years
6 and 3 months of age without the child having enrolled in an
7 approved driver education course and except that an
8 instruction permit may be issued to a child who is at least
9 15 years and 3 months of age, is enrolled in school, ~~meets~~
10 ~~the educational requirements of the Driver Education Act,~~
11 and has passed examinations the Secretary of State in his
12 or her discretion may prescribe;

13 1.5. To any person at least 18 years of age but less
14 than 21 years of age unless the person has, in addition to
15 any other requirements of this Code, successfully
16 completed an adult driver education course as provided in
17 Section 6-107.5 of this Code;

18 2. To any person who is under the age of 18 as an
19 operator of a motorcycle other than a motor driven cycle
20 unless the person has, in addition to meeting the
21 provisions of Section 6-107 of this Code, successfully
22 completed a motorcycle training course approved by the
23 Illinois Department of Transportation and successfully
24 completes the required Secretary of State's motorcycle
25 driver's examination;

26 3. To any person, as a driver, whose driver's license

1 or permit has been suspended, during the suspension, nor to
2 any person whose driver's license or permit has been
3 revoked, except as provided in Sections 6-205, 6-206, and
4 6-208;

5 4. To any person, as a driver, who is a user of alcohol
6 or any other drug to a degree that renders the person
7 incapable of safely driving a motor vehicle;

8 5. To any person, as a driver, who has previously been
9 adjudged to be afflicted with or suffering from any mental
10 or physical disability or disease and who has not at the
11 time of application been restored to competency by the
12 methods provided by law;

13 6. To any person, as a driver, who is required by the
14 Secretary of State to submit an alcohol and drug evaluation
15 or take an examination provided for in this Code unless the
16 person has successfully passed the examination and
17 submitted any required evaluation;

18 7. To any person who is required under the provisions
19 of the laws of this State to deposit security or proof of
20 financial responsibility and who has not deposited the
21 security or proof;

22 8. To any person when the Secretary of State has good
23 cause to believe that the person by reason of physical or
24 mental disability would not be able to safely operate a
25 motor vehicle upon the highways, unless the person shall
26 furnish to the Secretary of State a verified written

1 statement, acceptable to the Secretary of State, from a
2 competent medical specialist, a licensed physician
3 assistant who has been delegated the performance of medical
4 examinations by his or her supervising physician, or a
5 licensed advanced practice nurse who has a written
6 collaborative agreement with a collaborating physician
7 which authorizes him or her to perform medical
8 examinations, to the effect that the operation of a motor
9 vehicle by the person would not be inimical to the public
10 safety;

11 9. To any person, as a driver, who is 69 years of age
12 or older, unless the person has successfully complied with
13 the provisions of Section 6-109;

14 10. To any person convicted, within 12 months of
15 application for a license, of any of the sexual offenses
16 enumerated in paragraph 2 of subsection (b) of Section
17 6-205;

18 11. To any person who is under the age of 21 years with
19 a classification prohibited in paragraph (b) of Section
20 6-104 and to any person who is under the age of 18 years
21 with a classification prohibited in paragraph (c) of
22 Section 6-104;

23 12. To any person who has been either convicted of or
24 adjudicated under the Juvenile Court Act of 1987 based upon
25 a violation of the Cannabis Control Act, the Illinois
26 Controlled Substances Act, or the Methamphetamine Control

1 and Community Protection Act while that person was in
2 actual physical control of a motor vehicle. For purposes of
3 this Section, any person placed on probation under Section
4 10 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substances Act, or Section 70 of the
6 Methamphetamine Control and Community Protection Act shall
7 not be considered convicted. Any person found guilty of
8 this offense, while in actual physical control of a motor
9 vehicle, shall have an entry made in the court record by
10 the judge that this offense did occur while the person was
11 in actual physical control of a motor vehicle and order the
12 clerk of the court to report the violation to the Secretary
13 of State as such. The Secretary of State shall not issue a
14 new license or permit for a period of one year;

15 13. To any person who is under the age of 18 years and
16 who has committed the offense of operating a motor vehicle
17 without a valid license or permit in violation of Section
18 6-101 or a similar out of state offense;

19 14. To any person who is 90 days or more delinquent in
20 court ordered child support payments or has been
21 adjudicated in arrears in an amount equal to 90 days'
22 obligation or more and who has been found in contempt of
23 court for failure to pay the support, subject to the
24 requirements and procedures of Article VII of Chapter 7 of
25 the Illinois Vehicle Code;

26 14.5. To any person certified by the Illinois

1 Department of Healthcare and Family Services as being 90
2 days or more delinquent in payment of support under an
3 order of support entered by a court or administrative body
4 of this or any other State, subject to the requirements and
5 procedures of Article VII of Chapter 7 of this Code
6 regarding those certifications;

7 15. To any person released from a term of imprisonment
8 for violating Section 9-3 of the Criminal Code of 1961 or
9 the Criminal Code of 2012, or a similar provision of a law
10 of another state relating to reckless homicide or for
11 violating subparagraph (F) of paragraph (1) of subsection
12 (d) of Section 11-501 of this Code relating to aggravated
13 driving under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds, or any
15 combination thereof, if the violation was the proximate
16 cause of a death, within 24 months of release from a term
17 of imprisonment;

18 16. To any person who, with intent to influence any act
19 related to the issuance of any driver's license or permit,
20 by an employee of the Secretary of State's Office, or the
21 owner or employee of any commercial driver training school
22 licensed by the Secretary of State, or any other individual
23 authorized by the laws of this State to give driving
24 instructions or administer all or part of a driver's
25 license examination, promises or tenders to that person any
26 property or personal advantage which that person is not

1 authorized by law to accept. Any persons promising or
2 tendering such property or personal advantage shall be
3 disqualified from holding any class of driver's license or
4 permit for 120 consecutive days. The Secretary of State
5 shall establish by rule the procedures for implementing
6 this period of disqualification and the procedures by which
7 persons so disqualified may obtain administrative review
8 of the decision to disqualify;

9 17. To any person for whom the Secretary of State
10 cannot verify the accuracy of any information or
11 documentation submitted in application for a driver's
12 license; or

13 18. To any person who has been adjudicated under the
14 Juvenile Court Act of 1987 based upon an offense that is
15 determined by the court to have been committed in
16 furtherance of the criminal activities of an organized
17 gang, as provided in Section 5-710 of that Act, and that
18 involved the operation or use of a motor vehicle or the use
19 of a driver's license or permit. The person shall be denied
20 a license or permit for the period determined by the court.

21 The Secretary of State shall retain all conviction
22 information, if the information is required to be held
23 confidential under the Juvenile Court Act of 1987.

24 (Source: P.A. 97-185, eff. 7-22-11; 97-1150, eff. 1-25-13;
25 98-167, eff. 7-1-14; 98-756, eff. 7-16-14.)

1 Section 40. The Prevailing Wage Act is amended by changing
2 Section 2 and by adding Section 11c as follows:

3 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

10 As used in this Act, unless the context indicates
11 otherwise:

12 "Public works" means all fixed works constructed or
13 demolished by any public body, or paid for wholly or in part
14 out of public funds. "Public works" as defined herein includes
15 all projects financed in whole or in part with bonds, grants,
16 loans, or other funds made available by or through the State or
17 any of its political subdivisions, including but not limited
18 to: bonds issued under the Industrial Project Revenue Bond Act
19 (Article 11, Division 74 of the Illinois Municipal Code), the
20 Industrial Building Revenue Bond Act, the Illinois Finance
21 Authority Act, the Illinois Sports Facilities Authority Act, or
22 the Build Illinois Bond Act; loans or other funds made
23 available pursuant to the Build Illinois Act; loans or other
24 funds made available pursuant to the Riverfront Development
25 Fund under Section 10-15 of the River Edge Redevelopment Zone

1 Act; or funds from the Fund for Illinois' Future under Section
2 6z-47 of the State Finance Act, funds for school construction
3 under Section 5 of the General Obligation Bond Act, funds
4 authorized under Section 3 of the School Construction Bond Act,
5 funds for school infrastructure under Section 6z-45 of the
6 State Finance Act, and funds for transportation purposes under
7 Section 4 of the General Obligation Bond Act. "Public works"
8 also includes (i) all projects financed in whole or in part
9 with funds from the Department of Commerce and Economic
10 Opportunity under the Illinois Renewable Fuels Development
11 Program Act for which there is no project labor agreement; (ii)
12 all work performed pursuant to a public private agreement under
13 the Public Private Agreements for the Illiana Expressway Act or
14 the Public-Private Agreements for the South Suburban Airport
15 Act; and (iii) all projects undertaken under a public-private
16 agreement under the Public-Private Partnerships for
17 Transportation Act. "Public works" also includes all projects
18 at leased facility property used for airport purposes under
19 Section 35 of the Local Government Facility Lease Act. "Public
20 works" also includes the construction of a new wind power
21 facility by a business designated as a High Impact Business
22 under Section 5.5(a) (3) (E) of the Illinois Enterprise Zone Act.
23 "Public works" does not include work done directly by any
24 public utility company, whether or not done under public
25 supervision or direction, or paid for wholly or in part out of
26 public funds. "Public works" also includes any corrective

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

12 "School construction project" means the acquisition,
13 development, construction, reconstruction, rehabilitation,
14 improvement, architectural planning, and installation of
15 capital facilities consisting of buildings, structures,
16 durable equipment, and land for educational purposes.

17 "Construction" means all work on public works involving
18 laborers, workers or mechanics. This includes any maintenance,
19 repair, assembly, or disassembly work performed on equipment
20 whether owned, leased, or rented.

21 "Locality" means the county where the physical work upon
22 public works is performed, except (1) that if there is not
23 available in the county a sufficient number of competent
24 skilled laborers, workers and mechanics to construct the public
25 works efficiently and properly, "locality" includes any other
26 county nearest the one in which the work or construction is to

1 be performed and from which such persons may be obtained in
2 sufficient numbers to perform the work and (2) that, with
3 respect to contracts for highway work with the Department of
4 Transportation of this State, "locality" may at the discretion
5 of the Secretary of the Department of Transportation be
6 construed to include two or more adjacent counties from which
7 workers may be accessible for work on such construction.

8 "Public body" means the State or any officer, board or
9 commission of the State or any political subdivision or
10 department thereof, or any institution supported in whole or in
11 part by public funds, and includes every county, city, town,
12 village, township, school district, irrigation, utility,
13 reclamation improvement or other district and every other
14 political subdivision, district or municipality of the state
15 whether such political subdivision, municipality or district
16 operates under a special charter or not.

17 The terms "general prevailing rate of hourly wages",
18 "general prevailing rate of wages" or "prevailing rate of
19 wages" when used in this Act mean the hourly cash wages plus
20 annualized fringe benefits for training and apprenticeship
21 programs approved by the U.S. Department of Labor, Bureau of
22 Apprenticeship and Training, health and welfare, insurance,
23 vacations and pensions paid generally, in the locality in which
24 the work is being performed, to employees engaged in work of a
25 similar character on public works.

26 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;

1 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.
2 7-16-14.)

3 (820 ILCS 130/11c new)

4 Sec. 11c. School district exemption.

5 By passage of a resolution, the board of education of any
6 school district may exempt all school construction projects
7 undertaken in the district from the requirements of this Act.

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.39 as follows:

10 (30 ILCS 805/8.39 new)

11 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 99th General Assembly.

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

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6	30 ILCS 571/17 new	
7	40 ILCS 5/16-158	from Ch. 108 1/2, par. 16-158
8	105 ILCS 5/2-3.11	from Ch. 122, par. 2-3.11
9	105 ILCS 5/10-22.34c	
10	105 ILCS 5/14-2	
11	105 ILCS 5/22-60	
12	105 ILCS 5/27-24 rep.	
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22	105 ILCS 5/27-24.10 rep.	
23	115 ILCS 5/4.5	
24	115 ILCS 5/17	from Ch. 48, par. 1717
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- 1 625 ILCS 5/6-103 from Ch. 95 1/2, par. 6-103
- 2 820 ILCS 130/2 from Ch. 48, par. 39s-2
- 3 820 ILCS 130/11c new
- 4 30 ILCS 805/8.39 new