



Sen. Dale A. Righter

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1 AMENDMENT TO SENATE BILL 988

2 AMENDMENT NO. _____. Amend Senate Bill 988 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 5 and 15.1 and by adding Section
6 5.2 as follows:

7 (5 ILCS 315/5) (from Ch. 48, par. 1605)

8 Sec. 5. Illinois Labor Relations Board; State Panel; Local
9 Panel.

10 (a) There is created the Illinois Labor Relations Board.
11 The Board shall be comprised of 2 panels, to be known as the
12 State Panel and the Local Panel.

13 (a-5) The State Panel shall have jurisdiction over
14 collective bargaining matters between employee organizations
15 and the State of Illinois, excluding the General Assembly of
16 the State of Illinois, between employee organizations and units

1 of local government and school districts with a population not
2 in excess of 2 million persons, ~~and~~ between employee
3 organizations and the Regional Transportation Authority, and
4 as provided under the Illinois Educational Labor Relations Act.

5 The State Panel shall consist of 5 members appointed by the
6 Governor, with the advice and consent of the Senate. The
7 Governor shall appoint to the State Panel only persons who have
8 had a minimum of 5 years of experience directly related to
9 labor and employment relations in representing public
10 employers or ~~7~~ private employers, including, but not limited
11 to, educational employers, or labor organizations, including,
12 but not limited to, those representing educational employees;
13 or teaching labor or employment relations; or administering
14 executive orders or regulations applicable to labor or
15 employment relations. At the time of his or her appointment,
16 each member of the State Panel shall be an Illinois resident.
17 The Governor shall designate one member to serve as the
18 Chairman of the State Panel and the Board.

19 Notwithstanding any other provision of this Section, the
20 term of each member of the State Panel who was appointed by the
21 Governor and is in office on June 30, 2003 shall terminate at
22 the close of business on that date or when all of the successor
23 members to be appointed pursuant to this amendatory Act of the
24 93rd General Assembly have been appointed by the Governor,
25 whichever occurs later. As soon as possible, the Governor shall
26 appoint persons to fill the vacancies created by this

1 amendatory Act.

2 The initial appointments under this amendatory Act of the
3 93rd General Assembly shall be for terms as follows: The
4 Chairman shall initially be appointed for a term ending on the
5 4th Monday in January, 2007; 2 members shall be initially
6 appointed for terms ending on the 4th Monday in January, 2006;
7 one member shall be initially appointed for a term ending on
8 the 4th Monday in January, 2005; and one member shall be
9 initially appointed for a term ending on the 4th Monday in
10 January, 2004. Each subsequent member shall be appointed for a
11 term of 4 years, commencing on the 4th Monday in January. Upon
12 expiration of the term of office of any appointive member, that
13 member shall continue to serve until a successor shall be
14 appointed and qualified. In case of a vacancy, a successor
15 shall be appointed to serve for the unexpired portion of the
16 term. If the Senate is not in session at the time the initial
17 appointments are made, the Governor shall make temporary
18 appointments in the same manner successors are appointed to
19 fill vacancies. A temporary appointment shall remain in effect
20 no longer than 20 calendar days after the commencement of the
21 next Senate session.

22 (b) The Local Panel shall have jurisdiction over collective
23 bargaining agreement matters between employee organizations
24 and units of local government with a population in excess of 2
25 million persons, but excluding the Regional Transportation
26 Authority.

1 The Local Panel shall consist of one person appointed by
2 the Governor with the advice and consent of the Senate (or, if
3 no such person is appointed, the Chairman of the State Panel)
4 and two additional members, one appointed by the Mayor of the
5 City of Chicago and one appointed by the President of the Cook
6 County Board of Commissioners. Appointees to the Local Panel
7 must have had a minimum of 5 years of experience directly
8 related to labor and employment relations in representing
9 public employers, private employers or labor organizations; or
10 teaching labor or employment relations; or administering
11 executive orders or regulations applicable to labor or
12 employment relations. Each member of the Local Panel shall be
13 an Illinois resident at the time of his or her appointment. The
14 member appointed by the Governor (or, if no such person is
15 appointed, the Chairman of the State Panel) shall serve as the
16 Chairman of the Local Panel.

17 Notwithstanding any other provision of this Section, the
18 term of the member of the Local Panel who was appointed by the
19 Governor and is in office on June 30, 2003 shall terminate at
20 the close of business on that date or when his or her successor
21 has been appointed by the Governor, whichever occurs later. As
22 soon as possible, the Governor shall appoint a person to fill
23 the vacancy created by this amendatory Act. The initial
24 appointment under this amendatory Act of the 93rd General
25 Assembly shall be for a term ending on the 4th Monday in
26 January, 2007.

1 The initial appointments under this amendatory Act of the
2 91st General Assembly shall be for terms as follows: The member
3 appointed by the Governor shall initially be appointed for a
4 term ending on the 4th Monday in January, 2001; the member
5 appointed by the President of the Cook County Board shall be
6 initially appointed for a term ending on the 4th Monday in
7 January, 2003; and the member appointed by the Mayor of the
8 City of Chicago shall be initially appointed for a term ending
9 on the 4th Monday in January, 2004. Each subsequent member
10 shall be appointed for a term of 4 years, commencing on the 4th
11 Monday in January. Upon expiration of the term of office of any
12 appointive member, the member shall continue to serve until a
13 successor shall be appointed and qualified. In the case of a
14 vacancy, a successor shall be appointed by the applicable
15 appointive authority to serve for the unexpired portion of the
16 term.

17 (c) Three members of the State Panel shall at all times
18 constitute a quorum. Two members of the Local Panel shall at
19 all times constitute a quorum. A vacancy on a panel does not
20 impair the right of the remaining members to exercise all of
21 the powers of that panel. Each panel shall adopt an official
22 seal which shall be judicially noticed. The salary of the
23 Chairman of the State Panel shall be \$50,000 ~~\$82,429 per year,~~
24 ~~or as set by the Compensation Review Board, whichever is~~
25 ~~greater,~~ and that of the other members of the State and Local
26 Panels shall be \$45,000 ~~\$74,188 per year,~~ ~~or as set by the~~

1 ~~Compensation Review Board, whichever is greater.~~

2 (d) ~~Each member shall devote his or her entire time to the~~
3 ~~duties of the office, and shall hold no other office or~~
4 ~~position of profit, nor engage in any other business,~~
5 ~~employment, or vocation.~~ No member shall hold any other public
6 office or be employed as a labor or management representative
7 by the State or any political subdivision of the State or of
8 any department or agency thereof or any public or private
9 school, college, or university, or actively represent or act on
10 behalf of an employer or an employee organization or an
11 employer in labor relations matters. Any member of the State
12 Panel may be removed from office by the Governor for
13 inefficiency, neglect of duty, misconduct or malfeasance in
14 office, and for no other cause, and only upon notice and
15 hearing. Any member of the Local Panel may be removed from
16 office by the applicable appointive authority for
17 inefficiency, neglect of duty, misconduct or malfeasance in
18 office, and for no other cause, and only upon notice and
19 hearing.

20 (e) Each panel at the end of every State fiscal year shall
21 make a report in writing to the Governor and the General
22 Assembly, stating in detail the work it has done in hearing and
23 deciding cases and otherwise.

24 (f) In order to accomplish the objectives and carry out the
25 duties prescribed by this Act, a panel or its authorized
26 designees may hold elections to determine whether a labor

1 organization has majority status; investigate and attempt to
2 resolve or settle charges of unfair labor practices; hold
3 hearings in order to carry out its functions; develop and
4 effectuate appropriate impasse resolution procedures for
5 purposes of resolving labor disputes; require the appearance of
6 witnesses and the production of evidence on any matter under
7 inquiry; and administer oaths and affirmations. The panels
8 shall sign and report in full an opinion in every case which
9 they decide.

10 (g) Each panel may appoint or employ an executive director,
11 attorneys, hearing officers, mediators, fact-finders,
12 arbitrators, and such other employees as it may deem necessary
13 to perform its functions. The governing boards shall prescribe
14 the duties and qualifications of such persons appointed and,
15 subject to the annual appropriation, fix their compensation and
16 provide for reimbursement of actual and necessary expenses
17 incurred in the performance of their duties. The Board shall
18 employ a minimum of 16 attorneys and 6 investigators.

19 (h) Each panel shall exercise general supervision over all
20 attorneys which it employs and over the other persons employed
21 to provide necessary support services for such attorneys. The
22 panels shall have final authority in respect to complaints
23 brought pursuant to this Act.

24 (i) The following rules and regulations shall be adopted by
25 the panels meeting in joint session: (1) procedural rules and
26 regulations which shall govern all Board proceedings; (2)

1 procedures for election of exclusive bargaining
2 representatives pursuant to Section 9, except for the
3 determination of appropriate bargaining units; and (3)
4 appointment of counsel pursuant to subsection (k) of this
5 Section.

6 (j) Rules and regulations may be adopted, amended or
7 rescinded only upon a vote of 5 of the members of the State and
8 Local Panels meeting in joint session. The adoption, amendment
9 or rescission of rules and regulations shall be in conformity
10 with the requirements of the Illinois Administrative Procedure
11 Act.

12 (k) The panels in joint session shall promulgate rules and
13 regulations providing for the appointment of attorneys or other
14 Board representatives to represent persons in unfair labor
15 practice proceedings before a panel. The regulations governing
16 appointment shall require the applicant to demonstrate an
17 inability to pay for or inability to otherwise provide for
18 adequate representation before a panel. Such rules must also
19 provide: (1) that an attorney may not be appointed in cases
20 which, in the opinion of a panel, are clearly without merit;
21 (2) the stage of the unfair labor proceeding at which counsel
22 will be appointed; and (3) the circumstances under which a
23 client will be allowed to select counsel.

24 (1) The panels in joint session may promulgate rules and
25 regulations which allow parties in proceedings before a panel
26 to be represented by counsel or any other representative of the

1 party's choice.

2 (m) The Chairman of the State Panel shall serve as Chairman
3 of a joint session of the panels. Attendance of at least 2
4 members of the State Panel and at least one member of the Local
5 Panel, in addition to the Chairman, shall constitute a quorum
6 at a joint session. The panels shall meet in joint session at
7 least annually.

8 (Source: P.A. 96-813, eff. 10-30-09.)

9 (5 ILCS 315/5.2 new)

10 Sec. 5.2. Transfer from Illinois Educational Labor
11 Relations Board.

12 (a) On the effective date of this amendatory Act of the
13 100th General Assembly, all powers, duties, rights, and
14 responsibilities of the Illinois Educational Labor Relations
15 Board under the Illinois Educational Labor Relations Act are
16 transferred to the Illinois Public Labor Relations Board. The
17 powers, duties, rights, and responsibilities transferred from
18 the Illinois Educational Labor Relations Board to the Illinois
19 Public Labor Relations Board by this amendatory Act shall be
20 vested in and shall be exercised by the Illinois Public Labor
21 Relations Board.

22 (b) Except for members of the Illinois Educational Labor
23 Relations Board, the personnel of the Illinois Educational
24 Labor Relations Board with duties related to the powers,
25 duties, rights, and responsibilities transferred under this

1 amendatory Act shall be transferred to the Illinois Public
2 Labor Relations Board. The status and rights of such employees
3 under the Personnel Code shall not be affected by the transfer.
4 The rights of the employees and the State of Illinois and its
5 agencies under the Personnel Code and applicable collective
6 bargaining agreements or under any pension, retirement, or
7 annuity plan shall not be affected by this amendatory Act.

8 (c) All books, records, papers, documents, property (real
9 and personal), contracts, causes of action, and pending
10 business pertaining to the powers, duties, rights, and
11 responsibilities transferred by this amendatory Act from the
12 Illinois Educational Labor Relations Board to the Illinois
13 Public Labor Relations Board, including, but not limited to,
14 material in electronic or magnetic format and necessary
15 computer hardware and software, are transferred to the Illinois
16 Public Labor Relations Board.

17 (d) All unexpended appropriations and balances and other
18 funds available for use by the Illinois Educational Labor
19 Relations Board related to the powers, duties, rights, and
20 responsibilities transferred by this amendatory Act are
21 transferred for use by the Illinois Public Labor Relations
22 Board pursuant to the direction of the Governor. Unexpended
23 balances so transferred shall be expended only for the purpose
24 for which the appropriations were originally made.

25 (e) Whenever reports or notices are now required to be made
26 or given or papers or documents furnished or served by any

1 person to or upon the Illinois Educational Labor Relations
2 Board in connection with any of the powers, duties, rights, and
3 responsibilities transferred by this amendatory Act, the same
4 shall be made, given, furnished, or served in the same manner
5 to or upon the Illinois Public Labor Relations Board.

6 (f) This amendatory Act does not affect any act done,
7 ratified, or canceled or any right occurring or established or
8 any action or proceeding had or commenced in an administrative,
9 civil, or criminal cause by the Illinois Educational Labor
10 Relations Board before this amendatory Act takes effect; to the
11 extent that such actions or proceedings relate to any of the
12 powers, duties, rights, and responsibilities transferred by
13 this amendatory Act, the same may be prosecuted and continued
14 by the Illinois Public Labor Relations Board.

15 (g) Any rules of the Illinois Educational Labor Relations
16 Board that relate to any of the powers, duties, rights, and
17 responsibilities transferred by this amendatory Act and are in
18 full force on the effective date of this amendatory Act become
19 the rules of the Illinois Public Labor Relations Board. This
20 amendatory Act does not affect the legality of any such rules
21 in the Illinois Administrative Code.

22 Any proposed rules filed with the Secretary of State by the
23 Illinois Educational Labor Relations Board that are pending in
24 the rulemaking process on the effective date of this amendatory
25 Act and pertain to the powers, duties, rights, and
26 responsibilities transferred, are deemed to have been filed by

1 the Illinois Public Labor Relations Board. As soon as
2 practicable hereafter, the Illinois Public Labor Relations
3 Board shall revise and clarify the rules transferred to it
4 under this amendatory Act to reflect the reorganization of
5 powers, duties, rights, and responsibilities affected by this
6 amendatory Act, using the procedures for recodification of
7 rules available under the Illinois Administrative Procedure
8 Act, except that existing title, part, and section numbering
9 for the affected rules may be retained. The Illinois Public
10 Labor Relations Board may propose and adopt under the Illinois
11 Administrative Procedure Act such other rules of the Illinois
12 Educational Labor Relations Board that will now be administered
13 by the Illinois Public Labor Relations Board.

14 (5 ILCS 315/15.1) (from Ch. 48, par. 1615.1)

15 Sec. 15.1. Precedents established by other labor boards.
16 Unless contradicted by administrative precedent previously
17 established by the State Panel, all final decisions in
18 representation and unfair labor practice cases decided by the
19 Local Panel and the former Illinois Educational Labor Relations
20 Board created under the Illinois Educational Labor Relations
21 Act which have not been reversed by subsequent court rulings,
22 shall be considered, but need not be followed by the State
23 Panel.

24 Unless contradicted by administrative precedent previously
25 established by the Local Panel, all final decisions in

1 representation and unfair labor practice cases decided by the
2 State Panel and the former Illinois Educational Labor Relations
3 Board which have not been reversed by subsequent court rulings,
4 shall be considered, but need not be followed by the Local
5 Panel.

6 (Source: P.A. 91-798, eff. 7-9-00.)

7 Section 10. The State Officials and Employees Ethics Act is
8 amended by changing Section 5-50 as follows:

9 (5 ILCS 430/5-50)

10 Sec. 5-50. Ex parte communications; special government
11 agents.

12 (a) This Section applies to ex parte communications made to
13 any agency listed in subsection (e).

14 (b) "Ex parte communication" means any written or oral
15 communication by any person that imparts or requests material
16 information or makes a material argument regarding potential
17 action concerning regulatory, quasi-adjudicatory, investment,
18 or licensing matters pending before or under consideration by
19 the agency. "Ex parte communication" does not include the
20 following: (i) statements by a person publicly made in a public
21 forum; (ii) statements regarding matters of procedure and
22 practice, such as format, the number of copies required, the
23 manner of filing, and the status of a matter; and (iii)
24 statements made by a State employee of the agency to the agency

1 head or other employees of that agency.

2 (b-5) An ex parte communication received by an agency,
3 agency head, or other agency employee from an interested party
4 or his or her official representative or attorney shall
5 promptly be memorialized and made a part of the record.

6 (c) An ex parte communication received by any agency,
7 agency head, or other agency employee, other than an ex parte
8 communication described in subsection (b-5), shall immediately
9 be reported to that agency's ethics officer by the recipient of
10 the communication and by any other employee of that agency who
11 responds to the communication. The ethics officer shall require
12 that the ex parte communication be promptly made a part of the
13 record. The ethics officer shall promptly file the ex parte
14 communication with the Executive Ethics Commission, including
15 all written communications, all written responses to the
16 communications, and a memorandum prepared by the ethics officer
17 stating the nature and substance of all oral communications,
18 the identity and job title of the person to whom each
19 communication was made, all responses made, the identity and
20 job title of the person making each response, the identity of
21 each person from whom the written or oral ex parte
22 communication was received, the individual or entity
23 represented by that person, any action the person requested or
24 recommended, and any other pertinent information. The
25 disclosure shall also contain the date of any ex parte
26 communication.

1 (d) "Interested party" means a person or entity whose
2 rights, privileges, or interests are the subject of or are
3 directly affected by a regulatory, quasi-adjudicatory,
4 investment, or licensing matter.

5 (e) This Section applies to the following agencies:

6 Executive Ethics Commission

7 Illinois Commerce Commission

8 ~~Educational Labor Relations Board~~

9 State Board of Elections

10 Illinois Gaming Board

11 Health Facilities and Services Review Board

12 Illinois Workers' Compensation Commission

13 Illinois Labor Relations Board

14 Illinois Liquor Control Commission

15 Pollution Control Board

16 Property Tax Appeal Board

17 Illinois Racing Board

18 Illinois Purchased Care Review Board

19 Department of State Police Merit Board

20 Motor Vehicle Review Board

21 Prisoner Review Board

22 Civil Service Commission

23 Personnel Review Board for the Treasurer

24 Merit Commission for the Secretary of State

25 Merit Commission for the Office of the Comptroller

26 Court of Claims

1 Board of Review of the Department of Employment Security
2 Department of Insurance
3 Department of Professional Regulation and licensing boards
4 under the Department
5 Department of Public Health and licensing boards under the
6 Department
7 Office of Banks and Real Estate and licensing boards under
8 the Office
9 State Employees Retirement System Board of Trustees
10 Judges Retirement System Board of Trustees
11 General Assembly Retirement System Board of Trustees
12 Illinois Board of Investment
13 State Universities Retirement System Board of Trustees
14 Teachers Retirement System Officers Board of Trustees

15 (f) Any person who fails to (i) report an ex parte
16 communication to an ethics officer, (ii) make information part
17 of the record, or (iii) make a filing with the Executive Ethics
18 Commission as required by this Section or as required by
19 Section 5-165 of the Illinois Administrative Procedure Act
20 violates this Act.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

22 Section 15. The Task Force on Inventorying Employment
23 Restrictions Act is amended by changing Section 10 as follows:

24 (20 ILCS 5000/10)

1 Sec. 10. Definitions. As used in this Act:

2 "State agencies" shall mean the following State agencies,
3 boards, and commissions: Department on Aging, Department of
4 Agriculture, Office of Appellate Defender, Office of the
5 State's Attorneys Appellate Prosecutor, Illinois Arts Council,
6 Office of the Attorney General, Auditor General, Capital
7 Development Board, Department of Central Management Services,
8 Department of Children and Family Services, Civil Service
9 Commission, Illinois Department of Commerce and Economic
10 Opportunity, Illinois Commerce Commission, Illinois Community
11 College Board, State of Illinois Comprehensive Health
12 Insurance Plan, Office of the Comptroller, Department of
13 Corrections, Criminal Justice Information Authority, Illinois
14 Council on Developmental Disabilities, Illinois Deaf and Hard
15 of Hearing Commission, Commission on Discrimination and Hate
16 Crimes, State Board of Education, ~~Illinois Educational Labor~~
17 ~~Relations Board,~~ State Board of Elections, Illinois Emergency
18 Management Agency, Department of Employment Security,
19 Environmental Protection Agency, Illinois State Fair, Illinois
20 Finance Authority, Department of Financial and Professional
21 Regulation, Office of the First Lady, Illinois Gaming Board,
22 Office of the Governor, Guardianship and Advocacy Commission,
23 Department of Healthcare and Family Services, Board of Higher
24 Education, Historic Preservation Agency, Illinois Housing
25 Development Authority, Illinois Human Rights Commission,
26 Department of Human Rights, Department of Human Services,

1 Illinois State Board of Investment, Department of Juvenile
2 Justice, Office of the Lieutenant Governor, Department of
3 Labor, Illinois Labor Relations Board, Illinois Law
4 Enforcement Training Standards Board, Illinois Liquor Control
5 Commission, Illinois Lottery, Governor's Office of Management
6 and Budget, Illinois Medical District Commission, Department
7 of Military Affairs, Department of Natural Resources,
8 Pollution Control Board, Prairie State 2000 Authority,
9 Property Tax Appeal Board, Department of Public Health,
10 Illinois Prisoner Review Board, Illinois Racing Board,
11 Department of Revenue, Office of the Secretary of State, State
12 Fire Marshal, Illinois State Police, State Police Merit Board,
13 State Retirement Systems, Office of the State Treasurer, State
14 Universities Civil Service System, State Universities
15 Retirement System, Illinois Student Assistance Commission,
16 Illinois Supreme Court, Illinois Teachers' Retirement System,
17 Illinois State Toll Highway Authority, Department of
18 Transportation, Department of Veterans Affairs', Governor's
19 Office of Women's Affairs, and Illinois Workers' Compensation
20 Commission.

21 (Source: P.A. 96-593, eff. 8-18-09.)

22 Section 20. The State Revenue Sharing Act is amended by
23 changing Section 12 as follows:

24 (30 ILCS 115/12) (from Ch. 85, par. 616)

1 Sec. 12. Personal Property Tax Replacement Fund. There is
2 hereby created the Personal Property Tax Replacement Fund, a
3 special fund in the State Treasury into which shall be paid all
4 revenue realized:

5 (a) all amounts realized from the additional personal
6 property tax replacement income tax imposed by subsections (c)
7 and (d) of Section 201 of the Illinois Income Tax Act, except
8 for those amounts deposited into the Income Tax Refund Fund
9 pursuant to subsection (c) of Section 901 of the Illinois
10 Income Tax Act; and

11 (b) all amounts realized from the additional personal
12 property replacement invested capital taxes imposed by Section
13 2a.1 of the Messages Tax Act, Section 2a.1 of the Gas Revenue
14 Tax Act, Section 2a.1 of the Public Utilities Revenue Act, and
15 Section 3 of the Water Company Invested Capital Tax Act, and
16 amounts payable to the Department of Revenue under the
17 Telecommunications Infrastructure Maintenance Fee Act.

18 As soon as may be after the end of each month, the
19 Department of Revenue shall certify to the Treasurer and the
20 Comptroller the amount of all refunds paid out of the General
21 Revenue Fund through the preceding month on account of
22 overpayment of liability on taxes paid into the Personal
23 Property Tax Replacement Fund. Upon receipt of such
24 certification, the Treasurer and the Comptroller shall
25 transfer the amount so certified from the Personal Property Tax
26 Replacement Fund into the General Revenue Fund.

1 The payments of revenue into the Personal Property Tax
2 Replacement Fund shall be used exclusively for distribution to
3 taxing districts, regional offices and officials, and local
4 officials as provided in this Section and in the School Code,
5 payment of the ordinary and contingent expenses of the Property
6 Tax Appeal Board, payment of the expenses of the Department of
7 Revenue incurred in administering the collection and
8 distribution of monies paid into the Personal Property Tax
9 Replacement Fund and transfers due to refunds to taxpayers for
10 overpayment of liability for taxes paid into the Personal
11 Property Tax Replacement Fund.

12 In addition, moneys in the Personal Property Tax
13 Replacement Fund may be used to pay any of the following: (i)
14 salary, stipends, and additional compensation as provided by
15 law for chief election clerks, county clerks, and county
16 recorders; (ii) costs associated with regional offices of
17 education and educational service centers; (iii)
18 reimbursements payable by the State Board of Elections under
19 Section 4-25, 5-35, 6-71, 13-10, 13-10a, or 13-11 of the
20 Election Code; (iv) expenses of the Illinois Public Labor
21 Relations Board under the Illinois Educational Labor Relations
22 Act Board; and (v) salary, personal services, and additional
23 compensation as provided by law for court reporters under the
24 Court Reporters Act.

25 As soon as may be after the effective date of this
26 amendatory Act of 1980, the Department of Revenue shall certify

1 to the Treasurer the amount of net replacement revenue paid
2 into the General Revenue Fund prior to that effective date from
3 the additional tax imposed by Section 2a.1 of the Messages Tax
4 Act; Section 2a.1 of the Gas Revenue Tax Act; Section 2a.1 of
5 the Public Utilities Revenue Act; Section 3 of the Water
6 Company Invested Capital Tax Act; amounts collected by the
7 Department of Revenue under the Telecommunications
8 Infrastructure Maintenance Fee Act; and the additional
9 personal property tax replacement income tax imposed by the
10 Illinois Income Tax Act, as amended by Public Act 81-1st
11 Special Session-1. Net replacement revenue shall be defined as
12 the total amount paid into and remaining in the General Revenue
13 Fund as a result of those Acts minus the amount outstanding and
14 obligated from the General Revenue Fund in state vouchers or
15 warrants prior to the effective date of this amendatory Act of
16 1980 as refunds to taxpayers for overpayment of liability under
17 those Acts.

18 All interest earned by monies accumulated in the Personal
19 Property Tax Replacement Fund shall be deposited in such Fund.
20 All amounts allocated pursuant to this Section are appropriated
21 on a continuing basis.

22 Prior to December 31, 1980, as soon as may be after the end
23 of each quarter beginning with the quarter ending December 31,
24 1979, and on and after December 31, 1980, as soon as may be
25 after January 1, March 1, April 1, May 1, July 1, August 1,
26 October 1 and December 1 of each year, the Department of

1 Revenue shall allocate to each taxing district as defined in
2 Section 1-150 of the Property Tax Code, in accordance with the
3 provisions of paragraph (2) of this Section the portion of the
4 funds held in the Personal Property Tax Replacement Fund which
5 is required to be distributed, as provided in paragraph (1),
6 for each quarter. Provided, however, under no circumstances
7 shall any taxing district during each of the first two years of
8 distribution of the taxes imposed by this amendatory Act of
9 1979 be entitled to an annual allocation which is less than the
10 funds such taxing district collected from the 1978 personal
11 property tax. Provided further that under no circumstances
12 shall any taxing district during the third year of distribution
13 of the taxes imposed by this amendatory Act of 1979 receive
14 less than 60% of the funds such taxing district collected from
15 the 1978 personal property tax. In the event that the total of
16 the allocations made as above provided for all taxing
17 districts, during either of such 3 years, exceeds the amount
18 available for distribution the allocation of each taxing
19 district shall be proportionately reduced. Except as provided
20 in Section 13 of this Act, the Department shall then certify,
21 pursuant to appropriation, such allocations to the State
22 Comptroller who shall pay over to the several taxing districts
23 the respective amounts allocated to them.

24 Any township which receives an allocation based in whole or
25 in part upon personal property taxes which it levied pursuant
26 to Section 6-507 or 6-512 of the Illinois Highway Code and

1 which was previously required to be paid over to a municipality
2 shall immediately pay over to that municipality a proportionate
3 share of the personal property replacement funds which such
4 township receives.

5 Any municipality or township, other than a municipality
6 with a population in excess of 500,000, which receives an
7 allocation based in whole or in part on personal property taxes
8 which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the
9 Illinois Local Library Act and which was previously required to
10 be paid over to a public library shall immediately pay over to
11 that library a proportionate share of the personal property tax
12 replacement funds which such municipality or township
13 receives; provided that if such a public library has converted
14 to a library organized under The Illinois Public Library
15 District Act, regardless of whether such conversion has
16 occurred on, after or before January 1, 1988, such
17 proportionate share shall be immediately paid over to the
18 library district which maintains and operates the library.
19 However, any library that has converted prior to January 1,
20 1988, and which hitherto has not received the personal property
21 tax replacement funds, shall receive such funds commencing on
22 January 1, 1988.

23 Any township which receives an allocation based in whole or
24 in part on personal property taxes which it levied pursuant to
25 Section 1c of the Public Graveyards Act and which taxes were
26 previously required to be paid over to or used for such public

1 cemetery or cemeteries shall immediately pay over to or use for
2 such public cemetery or cemeteries a proportionate share of the
3 personal property tax replacement funds which the township
4 receives.

5 Any taxing district which receives an allocation based in
6 whole or in part upon personal property taxes which it levied
7 for another governmental body or school district in Cook County
8 in 1976 or for another governmental body or school district in
9 the remainder of the State in 1977 shall immediately pay over
10 to that governmental body or school district the amount of
11 personal property replacement funds which such governmental
12 body or school district would receive directly under the
13 provisions of paragraph (2) of this Section, had it levied its
14 own taxes.

15 (1) The portion of the Personal Property Tax
16 Replacement Fund required to be distributed as of the time
17 allocation is required to be made shall be the amount
18 available in such Fund as of the time allocation is
19 required to be made.

20 The amount available for distribution shall be the
21 total amount in the fund at such time minus the necessary
22 administrative and other authorized expenses as limited by
23 the appropriation and the amount determined by: (a) \$2.8
24 million for fiscal year 1981; (b) for fiscal year 1982,
25 .54% of the funds distributed from the fund during the
26 preceding fiscal year; (c) for fiscal year 1983 through

1 fiscal year 1988, .54% of the funds distributed from the
2 fund during the preceding fiscal year less .02% of such
3 fund for fiscal year 1983 and less .02% of such funds for
4 each fiscal year thereafter; (d) for fiscal year 1989
5 through fiscal year 2011 no more than 105% of the actual
6 administrative expenses of the prior fiscal year; (e) for
7 fiscal year 2012 and beyond, a sufficient amount to pay (i)
8 stipends, additional compensation, salary reimbursements,
9 and other amounts directed to be paid out of this Fund for
10 local officials as authorized or required by statute and
11 (ii) no more than 105% of the actual administrative
12 expenses of the prior fiscal year, including payment of the
13 ordinary and contingent expenses of the Property Tax Appeal
14 Board and payment of the expenses of the Department of
15 Revenue incurred in administering the collection and
16 distribution of moneys paid into the Fund; or (f) for
17 fiscal years 2012 and 2013 only, a sufficient amount to pay
18 stipends, additional compensation, salary reimbursements,
19 and other amounts directed to be paid out of this Fund for
20 regional offices and officials as authorized or required by
21 statute. Such portion of the fund shall be determined after
22 the transfer into the General Revenue Fund due to refunds,
23 if any, paid from the General Revenue Fund during the
24 preceding quarter. If at any time, for any reason, there is
25 insufficient amount in the Personal Property Tax
26 Replacement Fund for payments for regional offices and

1 officials or local officials or payment of costs of
2 administration or for transfers due to refunds at the end
3 of any particular month, the amount of such insufficiency
4 shall be carried over for the purposes of payments for
5 regional offices and officials, local officials, transfers
6 into the General Revenue Fund, and costs of administration
7 to the following month or months. Net replacement revenue
8 held, and defined above, shall be transferred by the
9 Treasurer and Comptroller to the Personal Property Tax
10 Replacement Fund within 10 days of such certification.

11 (2) Each quarterly allocation shall first be
12 apportioned in the following manner: 51.65% for taxing
13 districts in Cook County and 48.35% for taxing districts in
14 the remainder of the State.

15 The Personal Property Replacement Ratio of each taxing
16 district outside Cook County shall be the ratio which the Tax
17 Base of that taxing district bears to the Downstate Tax Base.
18 The Tax Base of each taxing district outside of Cook County is
19 the personal property tax collections for that taxing district
20 for the 1977 tax year. The Downstate Tax Base is the personal
21 property tax collections for all taxing districts in the State
22 outside of Cook County for the 1977 tax year. The Department of
23 Revenue shall have authority to review for accuracy and
24 completeness the personal property tax collections for each
25 taxing district outside Cook County for the 1977 tax year.

26 The Personal Property Replacement Ratio of each Cook County

1 taxing district shall be the ratio which the Tax Base of that
2 taxing district bears to the Cook County Tax Base. The Tax Base
3 of each Cook County taxing district is the personal property
4 tax collections for that taxing district for the 1976 tax year.
5 The Cook County Tax Base is the personal property tax
6 collections for all taxing districts in Cook County for the
7 1976 tax year. The Department of Revenue shall have authority
8 to review for accuracy and completeness the personal property
9 tax collections for each taxing district within Cook County for
10 the 1976 tax year.

11 For all purposes of this Section 12, amounts paid to a
12 taxing district for such tax years as may be applicable by a
13 foreign corporation under the provisions of Section 7-202 of
14 the Public Utilities Act, as amended, shall be deemed to be
15 personal property taxes collected by such taxing district for
16 such tax years as may be applicable. The Director shall
17 determine from the Illinois Commerce Commission, for any tax
18 year as may be applicable, the amounts so paid by any such
19 foreign corporation to any and all taxing districts. The
20 Illinois Commerce Commission shall furnish such information to
21 the Director. For all purposes of this Section 12, the Director
22 shall deem such amounts to be collected personal property taxes
23 of each such taxing district for the applicable tax year or
24 years.

25 Taxing districts located both in Cook County and in one or
26 more other counties shall receive both a Cook County allocation

1 and a Downstate allocation determined in the same way as all
2 other taxing districts.

3 If any taxing district in existence on July 1, 1979 ceases
4 to exist, or discontinues its operations, its Tax Base shall
5 thereafter be deemed to be zero. If the powers, duties and
6 obligations of the discontinued taxing district are assumed by
7 another taxing district, the Tax Base of the discontinued
8 taxing district shall be added to the Tax Base of the taxing
9 district assuming such powers, duties and obligations.

10 If two or more taxing districts in existence on July 1,
11 1979, or a successor or successors thereto shall consolidate
12 into one taxing district, the Tax Base of such consolidated
13 taxing district shall be the sum of the Tax Bases of each of
14 the taxing districts which have consolidated.

15 If a single taxing district in existence on July 1, 1979,
16 or a successor or successors thereto shall be divided into two
17 or more separate taxing districts, the tax base of the taxing
18 district so divided shall be allocated to each of the resulting
19 taxing districts in proportion to the then current equalized
20 assessed value of each resulting taxing district.

21 If a portion of the territory of a taxing district is
22 disconnected and annexed to another taxing district of the same
23 type, the Tax Base of the taxing district from which
24 disconnection was made shall be reduced in proportion to the
25 then current equalized assessed value of the disconnected
26 territory as compared with the then current equalized assessed

1 value within the entire territory of the taxing district prior
2 to disconnection, and the amount of such reduction shall be
3 added to the Tax Base of the taxing district to which
4 annexation is made.

5 If a community college district is created after July 1,
6 1979, beginning on the effective date of this amendatory Act of
7 1995, its Tax Base shall be 3.5% of the sum of the personal
8 property tax collected for the 1977 tax year within the
9 territorial jurisdiction of the district.

10 The amounts allocated and paid to taxing districts pursuant
11 to the provisions of this amendatory Act of 1979 shall be
12 deemed to be substitute revenues for the revenues derived from
13 taxes imposed on personal property pursuant to the provisions
14 of the "Revenue Act of 1939" or "An Act for the assessment and
15 taxation of private car line companies", approved July 22,
16 1943, as amended, or Section 414 of the Illinois Insurance
17 Code, prior to the abolition of such taxes and shall be used
18 for the same purposes as the revenues derived from ad valorem
19 taxes on real estate.

20 Monies received by any taxing districts from the Personal
21 Property Tax Replacement Fund shall be first applied toward
22 payment of the proportionate amount of debt service which was
23 previously levied and collected from extensions against
24 personal property on bonds outstanding as of December 31, 1978
25 and next applied toward payment of the proportionate share of
26 the pension or retirement obligations of the taxing district

1 which were previously levied and collected from extensions
2 against personal property. For each such outstanding bond
3 issue, the County Clerk shall determine the percentage of the
4 debt service which was collected from extensions against real
5 estate in the taxing district for 1978 taxes payable in 1979,
6 as related to the total amount of such levies and collections
7 from extensions against both real and personal property. For
8 1979 and subsequent years' taxes, the County Clerk shall levy
9 and extend taxes against the real estate of each taxing
10 district which will yield the said percentage or percentages of
11 the debt service on such outstanding bonds. The balance of the
12 amount necessary to fully pay such debt service shall
13 constitute a first and prior lien upon the monies received by
14 each such taxing district through the Personal Property Tax
15 Replacement Fund and shall be first applied or set aside for
16 such purpose. In counties having fewer than 3,000,000
17 inhabitants, the amendments to this paragraph as made by this
18 amendatory Act of 1980 shall be first applicable to 1980 taxes
19 to be collected in 1981.

20 (Source: P.A. 97-72, eff. 7-1-11; 97-619, eff. 11-14-11;
21 97-732, eff. 6-30-12; 98-24, eff. 6-19-13; 98-674, eff.
22 6-30-14.)

23 Section 25. The Illinois Pension Code is amended by
24 changing Section 15-139 as follows:

1 (40 ILCS 5/15-139) (from Ch. 108 1/2, par. 15-139)
2 Sec. 15-139. Retirement annuities; cancellation; suspended
3 during employment.

4 (a) If an annuitant returns to employment for an employer
5 within 60 days after the beginning of the retirement annuity
6 payment period, the retirement annuity shall be cancelled, and
7 the annuitant shall refund to the System the total amount of
8 the retirement annuity payments which he or she received. If
9 the retirement annuity is cancelled, the participant shall
10 continue to participate in the System.

11 (b) If an annuitant retires prior to age 60 and receives or
12 becomes entitled to receive during any month compensation in
13 excess of the monthly retirement annuity (including any
14 automatic annual increases) for services performed after the
15 date of retirement for any employer under this System, that
16 portion of the monthly retirement annuity provided by employer
17 contributions shall not be payable.

18 If an annuitant retires at age 60 or over and receives or
19 becomes entitled to receive during any academic year
20 compensation in excess of the difference between his or her
21 highest annual earnings prior to retirement and his or her
22 annual retirement annuity computed under Rule 1, Rule 2, Rule
23 3, or Rule 4 of Section 15-136, or under Section 15-136.4, for
24 services performed after the date of retirement for any
25 employer under this System, that portion of the monthly
26 retirement annuity provided by employer contributions shall be

1 reduced by an amount equal to the compensation that exceeds
2 such difference.

3 However, any remuneration received for serving as a member
4 of the former Illinois Educational Labor Relations Board shall
5 be excluded from "compensation" for the purposes of this
6 subsection (b), and serving as a member of the former Illinois
7 Educational Labor Relations Board shall not be deemed to be a
8 return to employment for the purposes of this Section. This
9 provision applies without regard to whether service was
10 terminated prior to the effective date of this amendatory Act
11 of 1991.

12 "Academic year", as used in this subsection (b), means the
13 12-month period beginning September 1.

14 (c) If an employer certifies that an annuitant has been
15 reemployed on a permanent and continuous basis or in a position
16 in which the annuitant is expected to serve for at least 9
17 months, the annuitant shall resume his or her status as a
18 participating employee and shall be entitled to all rights
19 applicable to participating employees upon filing with the
20 board an election to forgo all annuity payments during the
21 period of reemployment. Upon subsequent retirement, the
22 retirement annuity shall consist of the annuity which was
23 terminated by the reemployment, plus the additional retirement
24 annuity based upon service granted during the period of
25 reemployment, but the combined retirement annuity shall not
26 exceed the maximum annuity applicable on the date of the last

1 retirement.

2 The total service and earnings credited before and after
3 the initial date of retirement shall be considered in
4 determining eligibility of the employee or the employee's
5 beneficiary to benefits under this Article, and in calculating
6 final rate of earnings.

7 In determining the death benefit payable to a beneficiary
8 of an annuitant who again becomes a participating employee
9 under this Section, accumulated normal and additional
10 contributions shall be considered as the sum of the accumulated
11 normal and additional contributions at the date of initial
12 retirement and the accumulated normal and additional
13 contributions credited after that date, less the sum of the
14 annuity payments received by the annuitant.

15 The survivors insurance benefits provided under Section
16 15-145 shall not be applicable to an annuitant who resumes his
17 or her status as a participating employee, unless the
18 annuitant, at the time of initial retirement, has a survivors
19 insurance beneficiary who could qualify for such benefits or
20 the annuitant repaid the survivors insurance contribution
21 refund or additional annuity under subsection (c-5) of Section
22 15-154.

23 If the participant's employment is terminated because of
24 circumstances other than death before 9 months from the date of
25 reemployment, the provisions of this Section regarding
26 resumption of status as a participating employee shall not

1 apply. The normal and survivors insurance contributions which
2 are deducted during this period shall be refunded to the
3 annuitant without interest, and subsequent benefits under this
4 Article shall be the same as those which were applicable prior
5 to the date the annuitant resumed employment.

6 The amendments made to this Section by this amendatory Act
7 of the 91st General Assembly apply without regard to whether
8 the annuitant was in service on or after the effective date of
9 this amendatory Act.

10 (Source: P.A. 98-92, eff. 7-16-13; 98-596, eff. 11-19-13;
11 99-682, eff. 7-29-16.)

12 Section 30. The Illinois Educational Labor Relations Act is
13 amended by changing Sections 2, 8, 11, 12, and 13 and by adding
14 Section 5.1 as follows:

15 (115 ILCS 5/2) (from Ch. 48, par. 1702)

16 Sec. 2. Definitions. As used in this Act:

17 (a) "Educational employer" or "employer" means the
18 governing body of a public school district, including the
19 governing body of a charter school established under Article
20 27A of the School Code or of a contract school or contract
21 turnaround school established under paragraph 30 of Section
22 34-18 of the School Code, combination of public school
23 districts, including the governing body of joint agreements of
24 any type formed by 2 or more school districts, public community

1 college district or State college or university, a
2 subcontractor of instructional services of a school district
3 (other than a school district organized under Article 34 of the
4 School Code), combination of school districts, charter school
5 established under Article 27A of the School Code, or contract
6 school or contract turnaround school established under
7 paragraph 30 of Section 34-18 of the School Code, an
8 Independent Authority created under Section 2-3.25f-5 of the
9 School Code, and any State agency whose major function is
10 providing educational services. "Educational employer" or
11 "employer" does not include (1) a Financial Oversight Panel
12 created pursuant to Section 1A-8 of the School Code due to a
13 district violating a financial plan or (2) an approved
14 nonpublic special education facility that contracts with a
15 school district or combination of school districts to provide
16 special education services pursuant to Section 14-7.02 of the
17 School Code, but does include a School Finance Authority
18 created under Article 1E or 1F of the School Code and a
19 Financial Oversight Panel created under Article 1B or 1H of the
20 School Code. The change made by this amendatory Act of the 96th
21 General Assembly to this paragraph (a) to make clear that the
22 governing body of a charter school is an "educational employer"
23 is declaratory of existing law.

24 (b) "Educational employee" or "employee" means any
25 individual, excluding supervisors, managerial, confidential,
26 short term employees, student, and part-time academic

1 employees of community colleges employed full or part time by
2 an educational employer, but shall not include elected
3 officials and appointees of the Governor with the advice and
4 consent of the Senate, firefighters as defined by subsection
5 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
6 and peace officers employed by a State university. For the
7 purposes of this Act, part-time academic employees of community
8 colleges shall be defined as those employees who provide less
9 than 3 credit hours of instruction per academic semester. In
10 this subsection (b), the term "student" includes graduate
11 students who are research assistants primarily performing
12 duties that involve research or graduate assistants primarily
13 performing duties that are pre-professional, but excludes
14 graduate students who are teaching assistants primarily
15 performing duties that involve the delivery and support of
16 instruction and all other graduate assistants.

17 (c) "Employee organization" or "labor organization" means
18 an organization of any kind in which membership includes
19 educational employees, and which exists for the purpose, in
20 whole or in part, of dealing with employers concerning
21 grievances, employee-employer disputes, wages, rates of pay,
22 hours of employment, or conditions of work, but shall not
23 include any organization which practices discrimination in
24 membership because of race, color, creed, age, gender, national
25 origin or political affiliation.

26 (d) "Exclusive representative" means the labor

1 organization which has been designated by the ~~Illinois~~
2 ~~Educational Labor Relations~~ Board as the representative of the
3 majority of educational employees in an appropriate unit, or
4 recognized by an educational employer prior to January 1, 1984
5 as the exclusive representative of the employees in an
6 appropriate unit or, after January 1, 1984, recognized by an
7 employer upon evidence that the employee organization has been
8 designated as the exclusive representative by a majority of the
9 employees in an appropriate unit.

10 (e) "Board" means the State Panel of the Illinois Public
11 ~~Educational~~ Labor Relations Board.

12 (f) "Regional Superintendent" means the regional
13 superintendent of schools provided for in Articles 3 and 3A of
14 The School Code.

15 (g) "Supervisor" means any individual having authority in
16 the interests of the employer to hire, transfer, suspend, lay
17 off, recall, promote, discharge, reward or discipline other
18 employees within the appropriate bargaining unit and adjust
19 their grievances, or to effectively recommend such action if
20 the exercise of such authority is not of a merely routine or
21 clerical nature but requires the use of independent judgment.
22 The term "supervisor" includes only those individuals who
23 devote a preponderance of their employment time to such
24 exercising authority.

25 (h) "Unfair labor practice" or "unfair practice" means any
26 practice prohibited by Section 14 of this Act.

1 (i) "Person" includes an individual, educational employee,
2 educational employer, legal representative, or employee
3 organization.

4 (j) "Wages" means salaries or other forms of compensation
5 for services rendered.

6 (k) "Professional employee" means, in the case of a public
7 community college, State college or university, State agency
8 whose major function is providing educational services, the
9 Illinois School for the Deaf, and the Illinois School for the
10 Visually Impaired, (1) any employee engaged in work (i)
11 predominantly intellectual and varied in character as opposed
12 to routine mental, manual, mechanical, or physical work; (ii)
13 involving the consistent exercise of discretion and judgment in
14 its performance; (iii) of such character that the output
15 produced or the result accomplished cannot be standardized in
16 relation to a given period of time; and (iv) requiring
17 knowledge of an advanced type in a field of science or learning
18 customarily acquired by a prolonged course of specialized
19 intellectual instruction and study in an institution of higher
20 learning or a hospital, as distinguished from a general
21 academic education or from an apprenticeship or from training
22 in the performance of routine mental, manual, or physical
23 processes; or (2) any employee, who (i) has completed the
24 courses of specialized intellectual instruction and study
25 described in clause (iv) of paragraph (1) of this subsection,
26 and (ii) is performing related work under the supervision of a

1 professional person to qualify himself or herself to become a
2 professional as defined in paragraph (l).

3 (l) "Professional employee" means, in the case of any
4 public school district, or combination of school districts
5 pursuant to joint agreement, any employee who has a certificate
6 issued under Article 21 or Section 34-83 of the School Code, as
7 now or hereafter amended.

8 (m) "Unit" or "bargaining unit" means any group of
9 employees for which an exclusive representative is selected.

10 (n) "Confidential employee" means an employee, who (i) in
11 the regular course of his or her duties, assists and acts in a
12 confidential capacity to persons who formulate, determine and
13 effectuate management policies with regard to labor relations
14 or who (ii) in the regular course of his or her duties has
15 access to information relating to the effectuation or review of
16 the employer's collective bargaining policies.

17 (o) "Managerial employee" means an individual who is
18 engaged predominantly in executive and management functions
19 and is charged with the responsibility of directing the
20 effectuation of such management policies and practices.

21 (p) "Craft employee" means a skilled journeyman, craft
22 person, and his or her apprentice or helper.

23 (q) "Short-term employee" is an employee who is employed
24 for less than 2 consecutive calendar quarters during a calendar
25 year and who does not have a reasonable expectation that he or
26 she will be rehired by the same employer for the same service

1 in a subsequent calendar year. Nothing in this subsection shall
2 affect the employee status of individuals who were covered by a
3 collective bargaining agreement on the effective date of this
4 amendatory Act of 1991.

5 (Source: P.A. 97-429, eff. 8-16-11; 98-1155, eff. 1-9-15.)

6 (115 ILCS 5/5.1 new)

7 Sec. 5.1. Illinois Educational Labor Relations Board
8 abolished. The Illinois Educational Labor Relations Board is
9 abolished and the terms of all members are ended on the
10 effective date of this amendatory Act of the 100th General
11 Assembly. All powers and duties of the former Illinois
12 Educational Labor Relations Board under this Act shall be
13 exercised and performed by the State Panel of the Illinois
14 Public Labor Relations Board on and after the effective date of
15 this amendatory Act of the 100th General Assembly.

16 (115 ILCS 5/8) (from Ch. 48, par. 1708)

17 Sec. 8. Election - certification. Elections shall be by
18 secret ballot, and conducted in accordance with rules and
19 regulations established by the ~~Illinois Educational Labor~~
20 ~~Relations~~ Board. An incumbent exclusive bargaining
21 representative shall automatically be placed on any ballot with
22 the petitioner's labor organization. An intervening labor
23 organization may be placed on the ballot when supported by 15%
24 or more of the employees in the bargaining unit. The Board

1 shall give at least 30 days notice of the time and place of the
2 election to the parties and, upon request, shall provide the
3 parties with a list of names and addresses of persons eligible
4 to vote in the election at least 15 days before the election.
5 The ballot must include, as one of the alternatives, the choice
6 of "no representative". No mail ballots are permitted except
7 where a specific individual would otherwise be unable to cast a
8 ballot.

9 The labor organization receiving a majority of the ballots
10 cast shall be certified by the Board as the exclusive
11 bargaining representative. If the choice of "no
12 representative" receives a majority, the employer shall not
13 recognize any exclusive bargaining representative for at least
14 12 months. If none of the choices on the ballot receives a
15 majority, a run-off shall be conducted between the 2 choices
16 receiving the largest number of valid votes cast in the
17 election. The Board shall certify the results of the election
18 within 6 working days after the final tally of votes unless a
19 charge is filed by a party alleging that improper conduct
20 occurred which affected the outcome of the election. The Board
21 shall promptly investigate the allegations, and if it finds
22 probable cause that improper conduct occurred and could have
23 affected the outcome of the election, it shall set a hearing on
24 the matter on a date falling within 2 weeks of when it received
25 the charge. If it determines, after hearing, that the outcome
26 of the election was affected by improper conduct, it shall

1 order a new election and shall order corrective action which it
2 considers necessary to insure the fairness of the new election.
3 If it determines upon investigation or after hearing that the
4 alleged improper conduct did not take place or that it did not
5 affect the results of the election, it shall immediately
6 certify the election results.

7 Any labor organization that is the exclusive bargaining
8 representative in an appropriate unit on the effective date of
9 this Act shall continue as such until a new one is selected
10 under this Act.

11 (Source: P.A. 92-206, eff. 1-1-02.)

12 (115 ILCS 5/11) (from Ch. 48, par. 1711)

13 Sec. 11. Non-member fair share payments. When a collective
14 bargaining agreement is entered into with an exclusive
15 representative, it may include a provision requiring employees
16 covered by the agreement who are not members of the
17 organization to pay to the organization a fair share fee for
18 services rendered. The exclusive representative shall certify
19 to the employer an amount not to exceed the dues uniformly
20 required of members which shall constitute each non member
21 employee's fair share fee. The fair share fee payment shall be
22 deducted by the employer from the earnings of the non member
23 employees and paid to the exclusive representative.

24 The amount certified by the exclusive representative shall
25 not include any fees for contributions related to the election

1 or support of any candidate for political office. Nothing in
2 this Section shall preclude the non member employee from making
3 voluntary political contributions in conjunction with his or
4 her fair share payment.

5 If a collective bargaining agreement that includes a fair
6 share clause expires or continues in effect beyond its
7 scheduled expiration date pending the negotiation of a
8 successor agreement, then the employer shall continue to honor
9 and abide by the fair share clause until a new agreement that
10 includes a fair share clause is reached. Failure to honor and
11 abide by the fair share clause for the benefit of any exclusive
12 representative as set forth in this paragraph shall be a
13 violation of the duty to bargain and an unfair labor practice.

14 Agreements containing a fair share agreement must
15 safeguard the right of non-association of employees based upon
16 bonafide religious tenets or teaching of a church or religious
17 body of which such employees are members. Such employees may be
18 required to pay an amount equal to their proportionate share,
19 determined under a proportionate share agreement, to a
20 non-religious charitable organization mutually agreed upon by
21 the employees affected and the exclusive representative to
22 which such employees would otherwise pay such fee. If the
23 affected employees and the exclusive representative are unable
24 to reach an agreement on the matter, the ~~Illinois Educational~~
25 ~~Labor Relations~~ Board may establish an approved list of
26 charitable organizations to which such payments may be made.

1 The Board shall by rule require that in cases where an
2 employee files an objection to the amount of the fair share
3 fee, the employer shall continue to deduct the employee's fair
4 share fee from the employee's pay, but shall transmit the fee,
5 or some portion thereof, to the Board for deposit in an escrow
6 account maintained by the Board; provided, however, that if the
7 exclusive representative maintains an escrow account for the
8 purpose of holding fair share fees to which an employee has
9 objected, the employer shall transmit the entire fair share fee
10 to the exclusive representative, and the exclusive
11 representative shall hold in escrow that portion of the fee
12 that the employer would otherwise have been required to
13 transmit to the Board for escrow, provided that the escrow
14 account maintained by the exclusive representative complies
15 with rules to be promulgated by the Board within 30 days of the
16 effective date of this amendatory Act of 1989 or that the
17 collective bargaining agreement requiring the payment of the
18 fair share fee contains an indemnification provision for the
19 purpose of indemnifying the employer with respect to the
20 employer's transmission of fair share fees to the exclusive
21 representative.

22 (Source: P.A. 94-210, eff. 7-14-05.)

23 (115 ILCS 5/12) (from Ch. 48, par. 1712)

24 Sec. 12. Impasse procedures.

25 (a) This subsection (a) applies only to collective

1 bargaining between an educational employer that is not a public
2 school district organized under Article 34 of the School Code
3 and an exclusive representative of its employees. If the
4 parties engaged in collective bargaining have not reached an
5 agreement by 90 days before the scheduled start of the
6 forthcoming school year, the parties shall notify the ~~Illinois~~
7 ~~Educational Labor Relations~~ Board concerning the status of
8 negotiations. This notice shall include a statement on whether
9 mediation has been used.

10 Upon demand of either party, collective bargaining between
11 the employer and an exclusive bargaining representative must
12 begin within 60 days of the date of certification of the
13 representative by the Board, or in the case of an existing
14 exclusive bargaining representative, within 60 days of the
15 receipt by a party of a demand to bargain issued by the other
16 party. Once commenced, collective bargaining must continue for
17 at least a 60 day period, unless a contract is entered into.

18 Except as otherwise provided in subsection (b) of this
19 Section, if after a reasonable period of negotiation and within
20 90 days of the scheduled start of the forth-coming school year,
21 the parties engaged in collective bargaining have reached an
22 impasse, either party may petition the Board to initiate
23 mediation. Alternatively, the Board on its own motion may
24 initiate mediation during this period. However, mediation
25 shall be initiated by the Board at any time when jointly
26 requested by the parties and the services of the mediators

1 shall continuously be made available to the employer and to the
2 exclusive bargaining representative for purposes of
3 arbitration of grievances and mediation or arbitration of
4 contract disputes. If requested by the parties, the mediator
5 may perform fact-finding and in so doing conduct hearings and
6 make written findings and recommendations for resolution of the
7 dispute. Such mediation shall be provided by the Board and
8 shall be held before qualified impartial individuals. Nothing
9 prohibits the use of other individuals or organizations such as
10 the Federal Mediation and Conciliation Service or the American
11 Arbitration Association selected by both the exclusive
12 bargaining representative and the employer.

13 If the parties engaged in collective bargaining fail to
14 reach an agreement within 45 days of the scheduled start of the
15 forthcoming school year and have not requested mediation, the
16 ~~Illinois Educational Labor Relations~~ Board shall invoke
17 mediation.

18 Whenever mediation is initiated or invoked under this
19 subsection (a), the parties may stipulate to defer selection of
20 a mediator in accordance with rules adopted by the Board.

21 (a-5) This subsection (a-5) applies only to collective
22 bargaining between a public school district or a combination of
23 public school districts, including, but not limited to, joint
24 cooperatives, that is not organized under Article 34 of the
25 School Code and an exclusive representative of its employees.

26 (1) Any time 15 days after mediation has commenced,

1 either party may initiate the public posting process. The
2 mediator may initiate the public posting process at any
3 time 15 days after mediation has commenced during the
4 mediation process. Initiation of the public posting
5 process must be filed in writing with the Board, and copies
6 must be submitted to the parties on the same day the
7 initiation is filed with the Board.

8 (2) Within 7 days after the initiation of the public
9 posting process, each party shall submit to the mediator,
10 the Board, and the other party in writing the most recent
11 offer of the party, including a cost summary of the offer.
12 Seven days after receipt of the parties' offers, the Board
13 shall make public the offers and each party's cost summary
14 dealing with those issues on which the parties have failed
15 to reach agreement by immediately posting the offers on its
16 Internet website, unless otherwise notified by the
17 mediator or jointly by the parties that agreement has been
18 reached. On the same day of publication by the Board, at a
19 minimum, the school district shall distribute notice of the
20 availability of the offers on the Board's Internet website
21 to all news media that have filed an annual request for
22 notices from the school district pursuant to Section 2.02
23 of the Open Meetings Act. The parties' offers shall remain
24 on the Board's Internet website until the parties have
25 reached and ratified an agreement.

26 (a-10) This subsection (a-10) applies only to collective

1 bargaining between a public school district organized under
2 Article 34 of the School Code and an exclusive representative
3 of its employees.

4 (1) For collective bargaining agreements between an
5 educational employer to which this subsection (a-10)
6 applies and an exclusive representative of its employees,
7 if the parties fail to reach an agreement after a
8 reasonable period of mediation, the dispute shall be
9 submitted to fact-finding in accordance with this
10 subsection (a-10). Either the educational employer or the
11 exclusive representative may initiate fact-finding by
12 submitting a written demand to the other party with a copy
13 of the demand submitted simultaneously to the Board.

14 (2) Within 3 days following a party's demand for
15 fact-finding, each party shall appoint one member of the
16 fact-finding panel, unless the parties agree to proceed
17 without a tri-partite panel. Following these appointments,
18 if any, the parties shall select a qualified impartial
19 individual to serve as the fact-finder and chairperson of
20 the fact-finding panel, if applicable. An individual shall
21 be considered qualified to serve as the fact-finder and
22 chairperson of the fact-finding panel, if applicable, if he
23 or she was not the same individual who was appointed as the
24 mediator and if he or she satisfies the following
25 requirements: membership in good standing with the
26 National Academy of Arbitrators, Federal Mediation and

1 Conciliation Service, or American Arbitration Association
2 for a minimum of 10 years; membership on the mediation
3 roster for the Illinois Labor Relations Board ~~or Illinois~~
4 ~~Educational Labor Relations Board~~; issuance of at least 5
5 interest arbitration awards arising under the Illinois
6 Public Labor Relations Act; and participation in impasse
7 resolution processes arising under private or public
8 sector collective bargaining statutes in other states. If
9 the parties are unable to agree on a fact-finder, the
10 parties shall request a panel of fact-finders who satisfy
11 the requirements set forth in this paragraph (2) from
12 either the Federal Mediation and Conciliation Service or
13 the American Arbitration Association and shall select a
14 fact-finder from such panel in accordance with the
15 procedures established by the organization providing the
16 panel.

17 (3) The fact-finder shall have the following duties and
18 powers:

19 (A) to require the parties to submit a statement of
20 disputed issues and their positions regarding each
21 issue either jointly or separately;

22 (B) to identify disputed issues that are economic
23 in nature;

24 (C) to meet with the parties either separately or
25 in executive sessions;

26 (D) to conduct hearings and regulate the time,

1 place, course, and manner of the hearings;

2 (E) to request the Board to issue subpoenas
3 requiring the attendance and testimony of witnesses or
4 the production of evidence;

5 (F) to administer oaths and affirmations;

6 (G) to examine witnesses and documents;

7 (H) to create a full and complete written record of
8 the hearings;

9 (I) to attempt mediation or remand a disputed issue
10 to the parties for further collective bargaining;

11 (J) to require the parties to submit final offers
12 for each disputed issue either individually or as a
13 package or as a combination of both; and

14 (K) to employ any other measures deemed
15 appropriate to resolve the impasse.

16 (4) If the dispute is not settled within 75 days after
17 the appointment of the fact-finding panel, the
18 fact-finding panel shall issue a private report to the
19 parties that contains advisory findings of fact and
20 recommended terms of settlement for all disputed issues and
21 that sets forth a rationale for each recommendation. The
22 fact-finding panel, acting by a majority of its members,
23 shall base its findings and recommendations upon the
24 following criteria as applicable:

25 (A) the lawful authority of the employer;

26 (B) the federal and State statutes or local

1 ordinances and resolutions applicable to the employer;

2 (C) prior collective bargaining agreements and the
3 bargaining history between the parties;

4 (D) stipulations of the parties;

5 (E) the interests and welfare of the public and the
6 students and families served by the employer;

7 (F) the employer's financial ability to fund the
8 proposals based on existing available resources,
9 provided that such ability is not predicated on an
10 assumption that lines of credit or reserve funds are
11 available or that the employer may or will receive or
12 develop new sources of revenue or increase existing
13 sources of revenue;

14 (G) the impact of any economic adjustments on the
15 employer's ability to pursue its educational mission;

16 (H) the present and future general economic
17 conditions in the locality and State;

18 (I) a comparison of the wages, hours, and
19 conditions of employment of the employees involved in
20 the dispute with the wages, hours, and conditions of
21 employment of employees performing similar services in
22 public education in the 10 largest U.S. cities;

23 (J) the average consumer prices in urban areas for
24 goods and services, which is commonly known as the cost
25 of living;

26 (K) the overall compensation presently received by

1 the employees involved in the dispute, including
2 direct wage compensation; vacations, holidays, and
3 other excused time; insurance and pensions; medical
4 and hospitalization benefits; the continuity and
5 stability of employment and all other benefits
6 received; and how each party's proposed compensation
7 structure supports the educational goals of the
8 district;

9 (L) changes in any of the circumstances listed in
10 items (A) through (K) of this paragraph (4) during the
11 fact-finding proceedings;

12 (M) the effect that any term the parties are at
13 impasse on has or may have on the overall educational
14 environment, learning conditions, and working
15 conditions with the school district; and

16 (N) the effect that any term the parties are at
17 impasse on has or may have in promoting the public
18 policy of this State.

19 (5) The fact-finding panel's recommended terms of
20 settlement shall be deemed agreed upon by the parties as
21 the final resolution of the disputed issues and
22 incorporated into the collective bargaining agreement
23 executed by the parties, unless either party tenders to the
24 other party and the chairperson of the fact-finding panel a
25 notice of rejection of the recommended terms of settlement
26 with a rationale for the rejection, within 15 days after

1 the date of issuance of the fact-finding panel's report. If
2 either party submits a notice of rejection, the chairperson
3 of the fact-finding panel shall publish the fact-finding
4 panel's report and the notice of rejection for public
5 information by delivering a copy to all newspapers of
6 general circulation in the community with simultaneous
7 written notice to the parties.

8 (b) If, after a period of bargaining of at least 60 days, a
9 dispute or impasse exists between an educational employer whose
10 territorial boundaries are coterminous with those of a city
11 having a population in excess of 500,000 and the exclusive
12 bargaining representative over a subject or matter set forth in
13 Section 4.5 of this Act, the parties shall submit the dispute
14 or impasse to the dispute resolution procedure agreed to
15 between the parties. The procedure shall provide for mediation
16 of disputes by a rotating mediation panel and may, at the
17 request of either party, include the issuance of advisory
18 findings of fact and recommendations.

19 (c) The costs of fact finding and mediation shall be shared
20 equally between the employer and the exclusive bargaining
21 agent, provided that, for purposes of mediation under this Act,
22 if either party requests the use of mediation services from the
23 Federal Mediation and Conciliation Service, the other party
24 shall either join in such request or bear the additional cost
25 of mediation services from another source. All other costs and
26 expenses of complying with this Section must be borne by the

1 party incurring them.

2 (c-5) If an educational employer or exclusive bargaining
3 representative refuses to participate in mediation or fact
4 finding when required by this Section, the refusal shall be
5 deemed a refusal to bargain in good faith.

6 (d) Nothing in this Act prevents an employer and an
7 exclusive bargaining representative from mutually submitting
8 to final and binding impartial arbitration unresolved issues
9 concerning the terms of a new collective bargaining agreement.

10 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11; 98-513,
11 eff. 1-1-14.)

12 (115 ILCS 5/13) (from Ch. 48, par. 1713)

13 Sec. 13. Strikes.

14 (a) Notwithstanding the existence of any other provision in
15 this Act or other law, educational employees employed in school
16 districts organized under Article 34 of the School Code shall
17 not engage in a strike at any time during the 18 month period
18 that commences on the effective date of this amendatory Act of
19 1995. An educational employee employed in a school district
20 organized under Article 34 of the School Code who participates
21 in a strike in violation of this Section is subject to
22 discipline by the employer. In addition, no educational
23 employer organized under Article 34 of the School Code may pay
24 or cause to be paid to an educational employee who participates
25 in a strike in violation of this subsection any wages or other

1 compensation for any period during which an educational
2 employee participates in the strike, except for wages or
3 compensation earned before participation in the strike.
4 Notwithstanding the existence of any other provision in this
5 Act or other law, during the 18-month period that strikes are
6 prohibited under this subsection nothing in this subsection
7 shall be construed to require an educational employer to submit
8 to a binding dispute resolution process.

9 (b) Notwithstanding the existence of any other provision in
10 this Act or any other law, educational employees other than
11 those employed in a school district organized under Article 34
12 of the School Code and, after the expiration of the 18 month
13 period that commences on the effective date of this amendatory
14 Act of 1995, educational employees in a school district
15 organized under Article 34 of the School Code shall not engage
16 in a strike except under the following conditions:

17 (1) they are represented by an exclusive bargaining
18 representative;

19 (2) mediation has been used without success and, for
20 educational employers and exclusive bargaining
21 representatives to which subsection (a-5) of Section 12 of
22 this Act applies, at least 14 days have elapsed after the
23 Board has made public the parties' offers;

24 (2.5) if fact-finding was invoked pursuant to
25 subsection (a-10) of Section 12 of this Act, at least 30
26 days have elapsed after a fact-finding report has been

1 released for public information;

2 (2.10) for educational employees employed in a school
3 district organized under Article 34 of the School Code, at
4 least three-fourths of all bargaining unit employees who
5 are members of the exclusive bargaining representative
6 have affirmatively voted to authorize the strike;
7 provided, however, that all members of the exclusive
8 bargaining representative at the time of a strike
9 authorization vote shall be eligible to vote;

10 (3) at least 10 days have elapsed after a notice of
11 intent to strike has been given by the exclusive bargaining
12 representative to the educational employer, the regional
13 superintendent and the ~~Illinois Educational Labor~~
14 ~~Relations~~ Board;

15 (4) the collective bargaining agreement between the
16 educational employer and educational employees, if any,
17 has expired or been terminated; and

18 (5) the employer and the exclusive bargaining
19 representative have not mutually submitted the unresolved
20 issues to arbitration.

21 If, however, in the opinion of an employer the strike is or
22 has become a clear and present danger to the health or safety
23 of the public, the employer may initiate in the circuit court
24 of the county in which such danger exists an action for relief
25 which may include, but is not limited to, injunction. The court
26 may grant appropriate relief upon the finding that such clear

1 and present danger exists. An unfair practice or other evidence
2 of lack of clean hands by the educational employer is a defense
3 to such action. Except as provided for in this paragraph, the
4 jurisdiction of the court under this Section is limited by the
5 Labor Dispute Act.

6 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11; 98-513,
7 eff. 1-1-14.)

8 (115 ILCS 5/5 rep.)

9 Section 35. The Illinois Educational Labor Relations Act is
10 amended by repealing Section 5.

11 Section 40. The Attorney Act is amended by changing Section
12 1 as follows:

13 (705 ILCS 205/1) (from Ch. 13, par. 1)

14 Sec. 1. No person shall be permitted to practice as an
15 attorney or counselor at law within this State without having
16 previously obtained a license for that purpose from the Supreme
17 Court of this State.

18 No person shall receive any compensation directly or
19 indirectly for any legal services other than a regularly
20 licensed attorney, nor may an unlicensed person advertise or
21 hold himself or herself out to provide legal services.

22 A license, as provided for herein, constitutes the person
23 receiving the same an attorney and counselor at law, according

1 to the law and customs thereof, for and during his good
2 behavior in the practice and authorizes him to demand and
3 receive fees for any services which he may render as an
4 attorney and counselor at law in this State. No person shall be
5 granted a license or renewal authorized by this Act who has
6 defaulted on an educational loan guaranteed by the Illinois
7 Student Assistance Commission; however, a license or renewal
8 may be issued to the aforementioned persons who have
9 established a satisfactory repayment record as determined by
10 the Illinois Student Assistance Commission. No person shall be
11 granted a license or renewal authorized by this Act who is more
12 than 30 days delinquent in complying with a child support
13 order; a license or renewal may be issued, however, if the
14 person has established a satisfactory repayment record as
15 determined (i) by the Department of Healthcare and Family
16 Services (formerly Illinois Department of Public Aid) for cases
17 being enforced under Article X of the Illinois Public Aid Code
18 or (ii) in all other cases by order of court or by written
19 agreement between the custodial parent and non-custodial
20 parent. No person shall be refused a license under this Act on
21 account of sex.

22 Any person practicing, charging or receiving fees for legal
23 services or advertising or holding himself or herself out to
24 provide legal services within this State, either directly or
25 indirectly, without being licensed to practice as herein
26 required, is guilty of contempt of court and shall be punished

1 accordingly, upon complaint being filed in any Circuit Court of
2 this State. The remedies available include, but are not limited
3 to: (i) appropriate equitable relief; (ii) a civil penalty not
4 to exceed \$5,000, which shall be paid to the Illinois Equal
5 Justice Foundation; and (iii) actual damages. Such proceedings
6 shall be conducted in the Courts of the respective counties
7 where the alleged contempt has been committed in the same
8 manner as in cases of indirect contempt and with the right of
9 review by the parties thereto.

10 The provisions of this Act shall be in addition to other
11 remedies permitted by law and shall not be construed to deprive
12 courts of this State of their inherent right to punish for
13 contempt or to restrain the unauthorized practice of law.

14 Nothing in this Act shall be construed to conflict with,
15 amend, or modify Section 5 of the Corporation Practice of Law
16 Prohibition Act or prohibit representation of a party by a
17 person who is not an attorney in a proceeding before either
18 panel of the Illinois Labor Relations Board under the Illinois
19 Public Labor Relations Act, as now or hereafter amended, ~~the~~
20 ~~Illinois Educational Labor Relations Board under the Illinois~~
21 ~~Educational Labor Relations Act, as now or hereafter amended,~~
22 the State Civil Service Commission, the local Civil Service
23 Commissions, or the University Civil Service Merit Board, to
24 the extent allowed pursuant to rules and regulations
25 promulgated by those Boards and Commissions or the giving of
26 information, training, or advocacy or assistance in any

1 meetings or administrative proceedings held pursuant to the
2 federal Individuals with Disabilities Education Act, the
3 federal Rehabilitation Act of 1973, the federal Americans with
4 Disabilities Act of 1990, or the federal Social Security Act,
5 to the extent allowed by those laws or the federal regulations
6 or State statutes implementing those laws.

7 (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;
8 95-410, eff. 8-24-07.)

9 Section 45. The Code of Civil Procedure is amended by
10 changing Sections 2-417 and 3-104 as follows:

11 (735 ILCS 5/2-417) (from Ch. 110, par. 2-417)

12 Sec. 2-417. Actions under Illinois Educational Labor
13 Relations Act. Whenever the State Panel of the Illinois
14 ~~Educational~~ Labor Relations Board commences an action under
15 subsection (b) of Section 16 of the Illinois Educational Labor
16 Relations Act seeking to enforce a final order of the Board or
17 alleging a violation of a final order, such action shall be
18 commenced by petition filed in the name of the people of the
19 State of Illinois as Petitioner and any persons charged with
20 alleged violation of such final order shall be designated
21 Respondents. Persons charged with alleged violation of such
22 final order may not raise as defenses in such action any
23 matters that such persons could have raised by initiating
24 judicial review of such final order in accordance with

1 subsection (a) of Section 16 of the Illinois Educational Labor
2 Relations Act and Section 3-104 of the Administrative Review
3 Law.

4 (Source: P.A. 84-123.)

5 (735 ILCS 5/3-104) (from Ch. 110, par. 3-104)

6 Sec. 3-104. Jurisdiction and venue. Jurisdiction to review
7 final administrative decisions is vested in the Circuit Courts,
8 except as to a final order of the State Panel of the Illinois
9 ~~Educational~~ Labor Relations Board in which case jurisdiction to
10 review a final order is vested in the Appellate Court of a
11 judicial district in which the Board maintains an office. If
12 the venue of the action to review a final administrative
13 decision is expressly prescribed in the particular statute
14 under authority of which the decision was made, such venue
15 shall control, but if the venue is not so prescribed, an action
16 to review a final administrative decision may be commenced in
17 the Circuit Court of any county in which (1) any part of the
18 hearing or proceeding culminating in the decision of the
19 administrative agency was held, or (2) any part of the subject
20 matter involved is situated, or (3) any part of the transaction
21 which gave rise to the proceedings before the agency occurred.
22 The court first acquiring jurisdiction of any action to review
23 a final administrative decision shall have and retain
24 jurisdiction of the action until final disposition of the
25 action.

1 (Source: P.A. 88-1.)".