

HB3747



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3747

Introduced 2/25/2005, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

30 ILCS 608/5-1
30 ILCS 608/5-5
30 ILCS 608/5-10

Amends the State Facilities Closure Act. Requires the same process for entering into privatization contracts at State facilities that now applies to State facility closures. Defines terms.

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FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning privatization.

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

4 Section 5. The State Facilities Closure Act is amended by
5 changing Sections 5-1, 5-5, and 5-10 as follows:

6 (30 ILCS 608/5-1)

7 Sec. 5-1. Short title. This Article Act may be cited as the
8 State Facilities Closure and Privatization Act. All references
9 in this Article to "this Act" mean this Article.

10 (Source: P.A. 93-839, eff. 7-30-04; revised 11-5-04.)

11 (30 ILCS 608/5-5)

12 Sec. 5-5. Definitions. In this Act:

13 "Commission" means the Commission on Government
14 Forecasting and Accountability.

15 "State facility" means any facility (i) that is owned and
16 operated by the State or leased and operated by the State and
17 (ii) that is the primary stationary work location for 25 or
18 more State employees. "State facility" does not include any
19 facility under the jurisdiction of the legislative branch,
20 including the Auditor General, or the judicial branch.

21 "Privatization contract" means an agreement or combination
22 or series of agreements by which a non-governmental person or
23 entity agrees to provide services at a State facility that are
24 substantially similar to and in lieu of services that are being
25 provided by regular employees at that State facility and that
26 result in the reduction in force of at least one permanent,
27 classified employee. Any agreement entered into prior to the
28 effective date of this amendatory Act of the 94th General
29 Assembly, including any amendments or renewals of those
30 agreements, is not considered a privatization contract.
31 Contracts are not considered to be privatization contracts if

1 any of the following apply:

2 (1) The services are not available within the
3 applicable State agency or are of such a highly specialized
4 or technical nature that the necessary knowledge, skills,
5 or expertise is not available within the applicable State
6 agency.

7 (2) The services are incidental to a contract for the
8 purchase or lease of real or personal property.

9 (3) The service being performed is an independent
10 audit, review, or investigation.

11 (4) The State is not able to provide equipment,
12 materials, facilities, or support services at the location
13 where the services are to be performed.

14 (5) The contract is for professional services that are
15 typically rendered on a case-by-case or project-by-project
16 basis, such as legal, professional engineering, structural
17 engineering, land surveying, or architectural services,
18 and the services are: (i) limited to the duration of the
19 project, but not to exceed 2 years, or (ii) are provided on
20 an intermittent basis for the duration of the contract.

21 (6) The need for services is urgent, temporary, or
22 occasional, such that the time necessary to hire and train
23 employees would render obtaining the services from State
24 employees imprudent. The contract for urgent, temporary,
25 or occasional services shall be limited to 90 days'
26 duration, with any extension subject to review and approval
27 by the applicable State agency.

28 (7) The contract is for services of private counsel.

29 (8) The contract is for services for training courses
30 that can not be provided by current State employees.

31 (9) The contract is for highway, structure, airport, or
32 transit construction or for building and structure
33 construction.

34 (10) The contract includes the purchase of care, as
35 defined in the Illinois Procurement Code.

36 (11) The contract is for services to be provided by

1 facilities licensed under the Nursing Home Care Act.

2 (12) The contract includes a grant, as defined in the
3 Illinois Procurement Code.

4 (13) There is a conflict of interest.

5 (Source: P.A. 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

6 (30 ILCS 608/5-10)

7 Sec. 5-10. Facility closure and privatization process.

8 (a) Before a State facility may be closed or a
9 privatization contract entered into, the State executive
10 branch officer with jurisdiction over the facility shall file
11 notice of the proposed closure or privatization with the
12 Commission. The notice must be filed within 2 days after the
13 first public announcement of any planned or proposed closure or
14 privatization. Within 10 days after it receives notice of the
15 proposed closure or privatization, the Commission, in its
16 discretion, may require the State executive branch officer with
17 jurisdiction over the facility to file a recommendation with
18 the Commission for the closure of the facility or for entering
19 into a privatization contract ~~with the Commission~~. The
20 recommendation must be filed within 30 days after the
21 Commission delivers the request for recommendation to the State
22 executive branch officer. The recommendation must include, but
23 is not limited to, the following:

24 (1) the location and identity of the State facility
25 proposed to be closed or privatized;

26 (2) the number of employees for which the State
27 facility is the primary stationary work location and the
28 effect of the closure of the facility or privatization on
29 those employees;

30 (3) if closure, the location or locations to which the
31 functions and employees of the State facility would be
32 moved;

33 (4) if closure, the availability and condition of land
34 and facilities at both the existing location and any
35 potential locations;

1 (5) if closure, the ability to accommodate the
2 functions and employees at the existing and at any
3 potential locations;

4 (6) the cost of operations of the State facility and,
5 if closure, at any potential locations, and any other
6 related budgetary impacts;

7 (7) the economic impact on existing communities in the
8 vicinity of the State facility, if closure, and any
9 potential facility;

10 (8) if closure, the ability of the existing and any
11 potential community's infrastructure to support the
12 functions and employees;

13 (9) the impact on State services delivered at the
14 existing location, and, if closure, the impact in direct
15 relation to the State services expected to be delivered at
16 any potential locations; and

17 (10) if closure, the environmental impact, including
18 the impact of costs related to potential environmental
19 restoration, waste management, and environmental
20 compliance activities.

21 (b) If a recommendation is required by the Commission, a
22 30-day public comment period must follow the filing of the
23 recommendation. The Commission, in its discretion, may conduct
24 one or more public hearings on the recommendation. Public
25 hearings conducted by the Commission shall be conducted no
26 later than 35 days after the filing of the recommendation. At
27 least one of the public hearings on the recommendation shall be
28 held at a convenient location within 25 miles of the facility
29 for which closure or privatization is recommended. The
30 Commission shall provide reasonable notice of the comment
31 period and of any public hearings to the public and to units of
32 local government and school districts that are located within
33 25 miles of the facility.

34 (c) Within 50 days after the State executive branch officer
35 files the required recommendation, the Commission shall issue
36 an advisory opinion on that recommendation. The Commission

1 shall file the advisory opinion with the appropriate State
2 executive branch officer, the Governor, the General Assembly,
3 and the Index Department of the Office of the Secretary of
4 State and shall make copies of the advisory opinion available
5 to the public upon request.

6 (d) No action may be taken to implement the recommendation
7 for closure of a State facility or to enter into a
8 privatization contract until 50 days after the filing of any
9 required recommendation.

10 (e) If closure, the ~~The~~ requirements of this Section do not
11 apply if all of the functions and employees of a State facility
12 are relocated to another State facility that is within 10 miles
13 of the closed facility.

14 (Source: P.A. 93-839, eff. 7-30-04.)