

# SB1891



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1891

Introduced 1/10/2008, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the State Services Accountability Act. Provides that upon notice to the Illinois Department of Human Services of the existence of a work stoppage arising from a labor dispute with an IDHS contractor or grantee that may affect the provision of services under a State contract or grant, IDHS shall cease payment of State funds to the contractor or grantee pending receipt of evidence sufficient to confirm that the contractor or grantee is performing all services specified in the contract or grant. Further provides that no further payments for those services shall be made to the contractor or grantee until IDHS has filed affidavits with the chief procurement officer and the Auditor General certifying that the contractor or grantee is performing all services specified in the contract or grant. Effective immediately.

LRB095 16101 RCE 42119 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State services.

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

4 Section 1. Short title. This Act may be cited as the State  
5 Services Accountability Act.

6 Section 5. Legislative findings and declaration of policy.

7 (a) The purpose of this Act is to set forth a program to  
8 better provide services to the citizens of Illinois by ensuring  
9 that tax dollars expended for services are properly used for  
10 their allocated purpose. The State of Illinois enters into  
11 reimbursement agreements and contracts with and provides  
12 grants to private entities (contractors and grantees) for the  
13 purpose of providing services for the citizens of Illinois. The  
14 State of Illinois enters into these contracts and provides  
15 these grants to provide quality services for the citizens of  
16 Illinois.

17 (b) The General Assembly finds that the needs of its  
18 citizens cannot be met if the time frame for provision of  
19 services provided through reimbursement agreements, contracts,  
20 or grant agreements between the State of Illinois and  
21 contractors and grantees are subject to disruption and further  
22 finds that likelihood of disruption is enhanced when a work  
23 stoppage is involved.

1           (c) The General Assembly further finds that the tax dollars  
2 should be used for their appropriated use. In addition, staff  
3 time, paid with tax dollars, should be spent providing services  
4 to Illinois' citizens.

5           (d) This Act is intended solely as a limitation on the  
6 permissible uses of State appropriations. It is not intended to  
7 expand, limit, or in any manner affect existing rights or  
8 duties of employers, employees, or labor organizations under  
9 the National Labor Relations Act or other federal law affecting  
10 labor relations.

11           Section 10. Definitions. As used in this Act:

12           "IDHS contractor or grantee" means an individual or entity,  
13 other than the State of Illinois, a State agency, or a  
14 political subdivision of the State of Illinois, that contracts  
15 with or receives grant funding from the Illinois Department of  
16 Human Services, that delivers services that require  
17 certification or licensing by IDHS, that provides services for  
18 which rates are set by IDHS, or that receives State funding  
19 that is appropriated through the IDHS budget.

20           "IDHS contractor" includes a subcontractor and a  
21 contractor of a grantee and any other entity, other than a unit  
22 of local government or a school district, that receives IDHS  
23 funds for supplying services pursuant to a written contract  
24 with the State or any of its agencies and that is controlled in  
25 whole or in part by the contractor or an entity in which the

1 contractor has a substantial beneficial interest.

2 "IDHS grantee" includes a sub-grantee and a grantee of a  
3 contractor and any other entity that provides services  
4 controlled in whole or in part by the grantee, or an entity in  
5 which the grantee has a substantial beneficial interest.

6 "Employee" means a person employed by an IDHS contractor or  
7 grantee other than a person employed in a bona fide supervisory  
8 or managerial position as defined by applicable law.

9 "Labor organization", "employee representative", or  
10 "union" means an organization or union of any kind in which  
11 employees participate and that exists for the purpose, in whole  
12 or in part, of representing employees concerning grievances,  
13 labor disputes, wages, rates of pay, benefits, hours of  
14 employment, or working conditions.

15 "State agency" includes the State and every State agency,  
16 department, board, or commission.

17 "State funds" means any money provided by the State of  
18 Illinois or a State agency.

19 Section 15. Payment. Upon notice to the Illinois Department  
20 of Human Services of the existence of a work stoppage arising  
21 from a labor dispute with an IDHS contractor or grantee that  
22 may affect the provision of services under a State contract or  
23 grant, IDHS shall cease payment of State funds to the  
24 contractor or grantee pending receipt of evidence sufficient to  
25 confirm that the contractor or grantee is performing all

1 services specified in the contract or grant. No further  
2 payments for those services shall be made to the contractor or  
3 grantee until IDHS has filed affidavits with the chief  
4 procurement officer and the Auditor General certifying that the  
5 contractor or grantee is performing all services specified in  
6 the contract or grant.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.