



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0028

Introduced 1/19/2007, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2	from Ch. 102, par. 42
15 ILCS 405/22.2	from Ch. 15, par. 222.2
20 ILCS 405/405-130	was 20 ILCS 405/67.28

Amends the Open Meetings Act, the State Comptroller Act, and the Department of Central Management Services Law of the Civil Administrative Code of Illinois. Allows Illinois residents to participate in the State Employees and Retirees Suggestion Award Program. Changes the program's name to the State Government Suggestion Award Program.

LRB095 03437 JAM 23441 b

1 AN ACT concerning State government.

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

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do not
16 require the holding of a closed meeting to discuss a subject
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees of the public body or legal counsel for the
23 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against
2 legal counsel for the public body to determine its
3 validity.

4 (2) Collective negotiating matters between the public
5 body and its employees or their representatives, or
6 deliberations concerning salary schedules for one or more
7 classes of employees.

8 (3) The selection of a person to fill a public office,
9 as defined in this Act, including a vacancy in a public
10 office, when the public body is given power to appoint
11 under law or ordinance, or the discipline, performance or
12 removal of the occupant of a public office, when the public
13 body is given power to remove the occupant under law or
14 ordinance.

15 (4) Evidence or testimony presented in open hearing, or
16 in closed hearing where specifically authorized by law, to
17 a quasi-adjudicative body, as defined in this Act, provided
18 that the body prepares and makes available for public
19 inspection a written decision setting forth its
20 determinative reasoning.

21 (5) The purchase or lease of real property for the use
22 of the public body, including meetings held for the purpose
23 of discussing whether a particular parcel should be
24 acquired.

25 (6) The setting of a price for sale or lease of
26 property owned by the public body.

1 (7) The sale or purchase of securities, investments, or
2 investment contracts.

3 (8) Security procedures and the use of personnel and
4 equipment to respond to an actual, a threatened, or a
5 reasonably potential danger to the safety of employees,
6 students, staff, the public, or public property.

7 (9) Student disciplinary cases.

8 (10) The placement of individual students in special
9 education programs and other matters relating to
10 individual students.

11 (11) Litigation, when an action against, affecting or
12 on behalf of the particular public body has been filed and
13 is pending before a court or administrative tribunal, or
14 when the public body finds that an action is probable or
15 imminent, in which case the basis for the finding shall be
16 recorded and entered into the minutes of the closed
17 meeting.

18 (12) The establishment of reserves or settlement of
19 claims as provided in the Local Governmental and
20 Governmental Employees Tort Immunity Act, if otherwise the
21 disposition of a claim or potential claim might be
22 prejudiced, or the review or discussion of claims, loss or
23 risk management information, records, data, advice or
24 communications from or with respect to any insurer of the
25 public body or any intergovernmental risk management
26 association or self insurance pool of which the public body

1 is a member.

2 (13) Conciliation of complaints of discrimination in
3 the sale or rental of housing, when closed meetings are
4 authorized by the law or ordinance prescribing fair housing
5 practices and creating a commission or administrative
6 agency for their enforcement.

7 (14) Informant sources, the hiring or assignment of
8 undercover personnel or equipment, or ongoing, prior or
9 future criminal investigations, when discussed by a public
10 body with criminal investigatory responsibilities.

11 (15) Professional ethics or performance when
12 considered by an advisory body appointed to advise a
13 licensing or regulatory agency on matters germane to the
14 advisory body's field of competence.

15 (16) Self evaluation, practices and procedures or
16 professional ethics, when meeting with a representative of
17 a statewide association of which the public body is a
18 member.

19 (17) The recruitment, credentialing, discipline or
20 formal peer review of physicians or other health care
21 professionals for a hospital, or other institution
22 providing medical care, that is operated by the public
23 body.

24 (18) Deliberations for decisions of the Prisoner
25 Review Board.

26 (19) Review or discussion of applications received

1 under the Experimental Organ Transplantation Procedures
2 Act.

3 (20) The classification and discussion of matters
4 classified as confidential or continued confidential by
5 the State Government Employees Suggestion Award Board.

6 (21) Discussion of minutes of meetings lawfully closed
7 under this Act, whether for purposes of approval by the
8 body of the minutes or semi-annual review of the minutes as
9 mandated by Section 2.06.

10 (22) Deliberations for decisions of the State
11 Emergency Medical Services Disciplinary Review Board.

12 (23) The operation by a municipality of a municipal
13 utility or the operation of a municipal power agency or
14 municipal natural gas agency when the discussion involves
15 (i) contracts relating to the purchase, sale, or delivery
16 of electricity or natural gas or (ii) the results or
17 conclusions of load forecast studies.

18 (24) Meetings of a residential health care facility
19 resident sexual assault and death review team or the
20 Executive Council under the Abuse Prevention Review Team
21 Act.

22 (d) Definitions. For purposes of this Section:

23 "Employee" means a person employed by a public body whose
24 relationship with the public body constitutes an
25 employer-employee relationship under the usual common law
26 rules, and who is not an independent contractor.

1 "Public office" means a position created by or under the
2 Constitution or laws of this State, the occupant of which is
3 charged with the exercise of some portion of the sovereign
4 power of this State. The term "public office" shall include
5 members of the public body, but it shall not include
6 organizational positions filled by members thereof, whether
7 established by law or by a public body itself, that exist to
8 assist the body in the conduct of its business.

9 "Quasi-adjudicative body" means an administrative body
10 charged by law or ordinance with the responsibility to conduct
11 hearings, receive evidence or testimony and make
12 determinations based thereon, but does not include local
13 electoral boards when such bodies are considering petition
14 challenges.

15 (e) Final action. No final action may be taken at a closed
16 meeting. Final action shall be preceded by a public recital of
17 the nature of the matter being considered and other information
18 that will inform the public of the business being conducted.

19 (Source: P.A. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422,
20 eff. 8-5-03; 93-577, eff. 8-21-03; 94-931, eff. 6-26-06.)

21 Section 10. The State Comptroller Act is amended by
22 changing Section 22.2 as follows:

23 (15 ILCS 405/22.2) (from Ch. 15, par. 222.2)

24 Sec. 22.2. State Government ~~Employees~~ Suggestion Award

1 Board. Upon request from the State Government ~~Employees~~
2 Suggestion Award Board, the Comptroller and the Director of the
3 Governor's Office of Management and Budget may hold in reserve
4 the amounts equal to the savings from the appropriate
5 appropriation line item for the State agency involved. The term
6 "reserve" for the purposes of this Section means that such
7 funds shall not be expended nor obligated for the fiscal year
8 designated by the Board.

9 (Source: P.A. 94-793, eff. 5-19-06.)

10 Section 15. The Department of Central Management Services
11 Law of the Civil Administrative Code of Illinois is amended by
12 changing Section 405-130 as follows:

13 (20 ILCS 405/405-130) (was 20 ILCS 405/67.28)

14 Sec. 405-130. State government ~~employees and retirees~~
15 suggestion award program.

16 (a) The Department shall assist in the implementation of a
17 State Government ~~Employees and Retirees~~ Suggestion Award
18 Program, to be administered by the Board created in subsection

19 (b). The program shall encourage and reward improvements in the
20 operation of State government that result in substantial
21 monetary savings. Any Illinois resident, any State employee,
22 including management personnel as defined by the Department,
23 any annuitant under Article 14 of the Illinois Pension Code,
24 and any annuitant under Article 15 of that Code who receives a

1 retirement or disability retirement annuity, but not including
2 elected officials and departmental directors, may submit a
3 cost-saving suggestion to the Board, which shall direct the
4 suggestion to the appropriate department or agency without
5 disclosing the identity of the suggester. A suggester may make
6 a suggestion or include documentation on matters a department
7 or agency considers confidential, except where prohibited by
8 federal or State law; and no disciplinary or other negative
9 action may be taken against the suggester unless there is a
10 violation of federal or State law.

11 Suggestions, including documentation, upon receipt, shall
12 be given confidential treatment and shall not be subject to
13 subpoena or be made public until the agency affected by it has
14 had the opportunity to request continued confidentiality. The
15 agency, if it requests continued confidentiality, shall attest
16 that disclosure would violate federal or State law or rules and
17 regulations pursuant to federal or State law or is a matter
18 covered under Section 7 of the Freedom of Information Act. The
19 Board shall make its decision on continued confidentiality and,
20 if it so classifies the suggestion, shall notify the suggester
21 and agency. A suggestion classified "continued confidential"
22 shall nevertheless be evaluated and considered for award. A
23 suggestion that the Board finds or the suggester states or
24 implies constitutes a disclosure of information that the
25 suggester reasonably believes evidences (1) a violation of any
26 law, rule, or regulation or (2) mismanagement, a gross waste of

1 funds, an abuse of authority, or a substantial and specific
2 danger to public health or safety may be referred to the
3 appropriate investigatory or law enforcement agency for
4 consideration for investigation and action. The identity of the
5 suggester may not be disclosed without the consent of the
6 suggester during any investigation of the information and any
7 related matters. Such a suggestion shall also be evaluated and
8 an award made when appropriate. That portion of Board meetings
9 that involves the consideration of suggestions classified
10 "continued confidential" or being considered for that
11 classification shall be closed meetings.

12 The Board may at its discretion make awards for those
13 suggestions certified by agency or department heads as
14 resulting in savings to the State of Illinois. Management
15 personnel shall be recognized for their suggestions as the
16 Board considers appropriate but shall not receive any monetary
17 award. Illinois residents, annuitants, ~~Annuitants~~ and
18 employees, other than employees who are management personnel,
19 shall receive awards in accordance with the schedule below.
20 Each award to employees other than management personnel and
21 awards to residents and annuitants shall be paid in one lump
22 sum by the Board created in subsection (b). A monetary award
23 may be increased by appropriation of the General Assembly.

24 The amount of each award to employees other than management
25 personnel and the award to annuitants and residents shall be
26 determined as follows:

1	\$1.00 to \$5,000 savings	an amount not
2		to exceed
3		\$500.00 or a
4		certificate
5		of merit, or
6		both, as
7		determined
8		by the Board
9	more than \$5,000 up to \$20,000 savings.....	\$500 award
10	more than \$20,000 up to \$100,000 savings.....	\$1,000 award
11	more than \$100,000 up to \$200,000 savings	\$2,000 award
12	more than \$200,000 up to \$300,000 savings	\$3,000 award
13	more than \$300,000 up to \$400,000 savings	\$4,000 award
14	more than \$400,000	\$5,000 award

15 (b) There is created a State Government Employees and
16 ~~Retirees~~ Suggestion Award Board to administer the program
17 described in subsection (a). The Board shall consist of 8
18 members appointed 2 each by the President of the Senate, the
19 Minority Leader of the Senate, the Speaker of the House of
20 Representatives, and the Minority Leader of the House of
21 Representatives and, as ex-officio, non-voting members, the
22 directors of the Governor's Office of Management and Budget and
23 the Department. Each appointing authority shall designate one
24 initial appointee to serve one year and one initial appointee
25 to serve 2 years; subsequent terms shall be 2 years. Any
26 vacancies shall be filled for the unexpired term by the

1 original appointing authority and any member may be
2 reappointed. Board members shall serve without compensation
3 but may be reimbursed for expenses incurred in the performance
4 of their duties. The Board shall annually elect a chairman from
5 among its number, shall meet monthly or more frequently at the
6 call of the chairman, and shall establish necessary procedures,
7 guidelines, and criteria for the administration of the program.
8 The Board shall annually report to the General Assembly by
9 January 1 on the operation of the program, including the nature
10 and cost-savings of implemented suggestions, and any
11 recommendations for legislative changes it deems appropriate.
12 The General Assembly shall make an annual appropriation to the
13 Board for payment of awards and the expenses of the Board, such
14 as, but not limited to: travel of the members, preparation of
15 publicity material, printing of forms and other matter, and
16 contractual expenses.

17 (Source: P.A. 94-793, eff. 5-19-06.)