

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 20. No rulemaking authority. Notwithstanding any
8 other rulemaking authority that may exist, neither the Governor
9 nor any agency or agency head under the jurisdiction of the
10 Governor has any authority to make or promulgate rules to
11 implement or enforce the provisions of this Act. If, however,
12 the Governor believes that rules are necessary to implement or
13 enforce the provisions of this Act, the Governor may suggest
14 rules to the General Assembly by filing them with the Clerk of
15 the House and Secretary of the Senate and by requesting that
16 the General Assembly authorize such rulemaking by law, enact
17 those suggested rules into law, or take any other appropriate
18 action in the General Assembly's discretion. Nothing contained
19 in this Act shall be interpreted to grant rulemaking authority
20 under any other Illinois statute where such authority is not
21 otherwise explicitly given. For the purposes of this Act,
22 "rules" is given the meaning contained in Section 1-70 of the
23 Illinois Administrative Procedure Act, and "agency" and
24 "agency head" are given the meanings contained in Sections 1-20
25 and 1-25 of the Illinois Administrative Procedure Act to the

1 extent that such definitions apply to agencies or agency heads
2 under the jurisdiction of the Governor.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.