



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5891

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

30 ILCS 105/13.6 new
30 ILCS 105/13.7 new

Amends the State Finance Act. Provides that each appropriation for a legislative member initiative must be by a separate line item appropriation that fully describes the legislative member initiative. Provides that no legislative member initiative may be funded through a lump sum appropriation. Provides that an appropriation for a legislative member initiative or a capital improvement is released and available for expenditure as a matter of law; and authorizes enforcement by mandamus maintained by any member of the General Assembly. Defines "legislative member initiative" and "capital improvement".

LRB095 15227 RCE 41209 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The State Finance Act is amended by adding
5 Sections 13.6 and 13.7 as follows:

6 (30 ILCS 105/13.6 new)

7 Sec. 13.6. Appropriations for legislative member
8 initiatives.

9 (a) Each appropriation for a legislative member initiative
10 must be by a separate line item appropriation. That line item
11 must fully describe the legislative member initiative,
12 including without limitation the name of the member of the
13 General Assembly who requested the initiative, the name of the
14 entity that will receive the benefit of the expenditure, the
15 purpose of the expenditure, the specific location of the
16 project, and the Legislative District and Representative
17 District in which the project is located. No legislative member
18 initiative may be funded through a lump sum appropriation.

19 (b) Unless it complies with subsection (a), a purported
20 appropriation of State funds for a legislative member
21 initiative is not a valid appropriation. No State funds may be
22 expended for a legislative member initiative unless the
23 appropriation for that legislative member initiative complies

1 with subsection (a).

2 (c) "Legislative member initiative" means an appropriation
3 for a grant or distribution to a specific unit of local
4 government, specific school district, specific not-for-profit
5 organization, or specific non-governmental entity for
6 infrastructure improvements or operating expenses.
7 Appropriations that are part of a statewide program and are
8 based on generally applicable standards of eligibility are not
9 legislative member initiatives. "Infrastructure improvements"
10 include without limitation capital improvements, capital
11 projects, planning, construction, reconstruction, equipment,
12 utilities, vehicles, and all costs associated with economic
13 development, community programs, educational programs, public
14 health, and public safety.

15 (d) The purpose of this Section is to require full and
16 complete disclosure during the appropriation process of State
17 expenditures that are primarily for a specific local community
18 within a Legislative District or Representative District. This
19 Section shall be liberally construed to effectuate its purpose.

20 (30 ILCS 105/13.7 new)

21 Sec. 13.7. Availability of funds for legislative member
22 initiatives and capital improvements.

23 (a) An appropriation for a legislative member initiative or
24 for a capital improvement is released and available for
25 expenditure as a matter of law in the fiscal year for which it

1 was appropriated without any further approval or
2 authorization.

3 (b) "Legislative member initiative" means that term as
4 defined in Section 13.6. "Capital improvement" means roads,
5 bridges, buildings, recreational, and conservation facilities,
6 and any other infrastructure facilities.

7 (c) The purpose of this Section is to ensure that the
8 intention of the General Assembly expressed in laws making
9 appropriations for legislative member initiatives and capital
10 improvements is carried out by releasing appropriated funds and
11 making those funds available for expenditure absent a clear and
12 convincing reason that is based strictly on sound governmental
13 practices and that is not at all based on a personal or
14 political motivation. This Section shall be liberally
15 construed to effectuate its purpose.

16 (d) This Section is enforceable by a mandamus action in the
17 circuit court maintained by any member of the General Assembly.