



Sen. Dan Kotowski

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1 AMENDMENT TO HOUSE BILL 5424

2 AMENDMENT NO. _____. Amend House Bill 5424, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Public Labor Relations Act is
6 amended by adding Section 21.5 as follows:

7 (5 ILCS 315/21.5 new)

8 Sec. 21.5. Termination of certain agreements after
9 constitutional officers take office.

10 (a) No collective bargaining agreement entered into on or
11 after the effective date of this amendatory Act of the 96th
12 General Assembly between an executive branch constitutional
13 officer or any agency or department of an executive branch
14 constitutional officer and a labor organization may extend
15 beyond June 30th of the year in which the terms of office of
16 executive branch constitutional officers begin.

1 (b) No collective bargaining agreement entered into on or
2 after the effective date of this amendatory Act of the 96th
3 General Assembly between an executive branch constitutional
4 officer or any agency or department of an executive branch
5 constitutional officer and a labor organization may provide for
6 an increase in salary, wages, or benefits starting on or after
7 the first day of the terms of office of executive branch
8 constitutional officers and ending June 30th of that same year.

9 (c) Any collective bargaining agreement in violation of
10 this Section is terminated and rendered null and void by
11 operation of law.

12 (d) For purposes of this Section, "executive branch
13 constitutional officer" has the same meaning as that term is
14 defined in the State Officials and Employees Ethics Act.

15 Section 10. The State Budget Law of the Civil
16 Administrative Code of Illinois is amended by changing Sections
17 50-5 and 50-25 as follows:

18 (15 ILCS 20/50-5)

19 Sec. 50-5. Governor to submit State budget.

20 (a) The Governor shall, as soon as possible and not later
21 than the second Wednesday in March in 2010 (March 10, 2010) and
22 the third Wednesday in February of each year beginning in 2011,
23 except as otherwise provided in this Section, submit a State
24 budget, embracing therein the amounts recommended by the

1 Governor to be appropriated to the respective departments,
2 offices, and institutions, and for all other public purposes,
3 the estimated revenues from taxation, and the estimated
4 revenues from sources other than taxation, ~~and an estimate of~~
5 ~~the amount required to be raised by taxation.~~ Except with
6 respect to the capital development provisions of the State
7 budget, beginning with the revenue estimates prepared for
8 fiscal year 2012, revenue estimates shall be based solely on:
9 (i) revenue sources (including non-income resources), rates,
10 and levels that exist as of the date of the submission of the
11 State budget for the fiscal year and (ii) revenue sources
12 (including non-income resources), rates, and levels that have
13 been passed by the General Assembly as of the date of the
14 submission of the State budget for the fiscal year and that are
15 authorized to take effect in that fiscal year. Except with
16 respect to the capital development provisions of the State
17 budget, the Governor shall determine available revenue, deduct
18 the cost of essential government services, including, but not
19 limited to, pension payments and debt service, and assign a
20 percentage of the remaining revenue to each statewide
21 prioritized goal, as established in Section 50-25 of this Law,
22 taking into consideration the proposed goals set forth in the
23 report of the Commission established under that Section. The
24 Governor shall also demonstrate how spending priorities for the
25 fiscal year fulfill those statewide goals. The amounts
26 recommended by the Governor for appropriation to the respective

1 departments, offices and institutions shall be formulated
2 according to each department's, office's, and institution's
3 ability to effectively deliver services that meet the
4 established statewide goals ~~according to the various functions~~
5 ~~and activities for which the respective department, office or~~
6 ~~institution of the State government (including the elective~~
7 ~~officers in the executive department and including the~~
8 ~~University of Illinois and the judicial department) is~~
9 ~~responsible~~. The amounts relating to particular functions and
10 activities shall be further formulated in accordance with the
11 object classification specified in Section 13 of the State
12 Finance Act. In addition, the amounts recommended by the
13 Governor for appropriation shall take into account each State
14 agency's effectiveness in achieving its prioritized goals for
15 the previous fiscal year, as set forth in Section 50-25 of this
16 Law, giving priority to agencies and programs that have
17 demonstrated a focus on the prevention of waste and the maximum
18 yield from resources.

19 Beginning in fiscal year 2011, the Governor shall
20 distribute written quarterly financial reports on operating
21 funds, which may include general, State, or federal funds and
22 may include funds related to agencies that have significant
23 impacts on State operations, ~~budget statements~~ to the General
24 Assembly and the State Comptroller. The reports ~~statements~~
25 shall be submitted no later than 45 days after the last day ~~on~~
26 ~~Wednesday of the last week of the last month~~ of each quarter of

1 the fiscal year and, ~~as is currently the practice on the~~
2 ~~effective date of this amendatory Act of the 96th General~~
3 ~~Assembly,~~ shall be posted on the Governor's Office of
4 Management and Budget's ~~Comptroller's~~ website on the same day.
5 The reports ~~statements~~ shall be prepared and presented in an
6 executive summary format that may include ~~includes,~~ for the
7 fiscal year to date, individual itemizations for each
8 significant revenue type ~~source~~ as well as ~~individual~~
9 itemizations of expenditures and obligations, by agency ~~the~~
10 ~~classified line items set forth in Section 13 of the State~~
11 ~~Finance Act and for other purposes,~~ with an appropriate level
12 of detail. The reports ~~statement~~ shall include a calculation of
13 the actual total budget surplus or deficit for the fiscal year
14 to date. The Governor shall also present periodic budget
15 addresses throughout the fiscal year at the invitation of the
16 General Assembly.

17 The Governor shall not propose expenditures and the General
18 Assembly shall not enact appropriations that exceed the
19 resources estimated to be available, as provided in this
20 Section. Appropriations may be adjusted during the fiscal year
21 by means of one or more supplemental appropriation bills if any
22 State agency either fails to meet or exceeds the goals set
23 forth in Section 50-25 of this Law.

24 For the purposes of Article VIII, Section 2 of the 1970
25 Illinois Constitution, the State budget for the following funds
26 shall be prepared on the basis of revenue and expenditure

1 measurement concepts that are in concert with generally
2 accepted accounting principles for governments:

- 3 (1) General Revenue Fund.
- 4 (2) Common School Fund.
- 5 (3) Educational Assistance Fund.
- 6 (4) Road Fund.
- 7 (5) Motor Fuel Tax Fund.
- 8 (6) Agricultural Premium Fund.

9 These funds shall be known as the "budgeted funds". The
10 revenue estimates used in the State budget for the budgeted
11 funds shall include the estimated beginning fund balance, plus
12 revenues estimated to be received during the budgeted year,
13 plus the estimated receipts due the State as of June 30 of the
14 budgeted year that are expected to be collected during the
15 lapse period following the budgeted year, minus the receipts
16 collected during the first 2 months of the budgeted year that
17 became due to the State in the year before the budgeted year.
18 Revenues shall also include estimated federal reimbursements
19 associated with the recognition of Section 25 of the State
20 Finance Act liabilities. For any budgeted fund for which
21 current year revenues are anticipated to exceed expenditures,
22 the surplus shall be considered to be a resource available for
23 expenditure in the budgeted fiscal year.

24 Expenditure estimates for the budgeted funds included in
25 the State budget shall include the costs to be incurred by the
26 State for the budgeted year, to be paid in the next fiscal

1 year, excluding costs paid in the budgeted year which were
2 carried over from the prior year, where the payment is
3 authorized by Section 25 of the State Finance Act. For any
4 budgeted fund for which expenditures are expected to exceed
5 revenues in the current fiscal year, the deficit shall be
6 considered as a use of funds in the budgeted fiscal year.

7 Revenues and expenditures shall also include transfers
8 between funds that are based on revenues received or costs
9 incurred during the budget year.

10 Appropriations for expenditures shall also include all
11 anticipated statutory continuing appropriation obligations
12 that are expected to be incurred during the budgeted fiscal
13 year.

14 By March 15 of each year, the Commission on Government
15 Forecasting and Accountability shall prepare revenue and fund
16 transfer estimates in accordance with the requirements of this
17 Section and report those estimates to the General Assembly and
18 the Governor.

19 For all funds other than the budgeted funds, the proposed
20 expenditures shall not exceed funds estimated to be available
21 for the fiscal year as shown in the budget. Appropriation for a
22 fiscal year shall not exceed funds estimated by the General
23 Assembly to be available during that year.

24 (b) ~~This subsection applies only to the process for the~~
25 ~~proposed fiscal year 2011 budget.~~

26 By February 24, 2010, the Governor must file a written

1 report with the Secretary of the Senate and the Clerk of the
2 House of Representatives containing the following:

3 (1) for fiscal year 2010, the revenues for all budgeted
4 funds, both actual to date and estimated for the full
5 fiscal year;

6 (2) for fiscal year 2010, the expenditures for all
7 budgeted funds, both actual to date and estimated for the
8 full fiscal year;

9 (3) for fiscal year 2011, the estimated revenues for
10 all budgeted funds, including without limitation the
11 affordable General Revenue Fund appropriations, for the
12 full fiscal year; and

13 (4) for fiscal year 2011, an estimate of the
14 anticipated liabilities for all budgeted funds, including
15 without limitation the affordable General Revenue Fund
16 appropriations, debt service on bonds issued, and the
17 State's contributions to the pension systems, for the full
18 fiscal year.

19 Between July 1 and August 31 of each fiscal year ~~February~~
20 ~~24, 2010 and March 10, 2010,~~ the members of the General
21 Assembly and members of the public may make written budget
22 recommendations to the Governor, ~~and the Governor shall~~
23 ~~promptly make those recommendations available to the public~~
24 ~~through the Governor's Internet website.~~

25 Beginning with budgets prepared for fiscal year 2013, the
26 budgets submitted by the Governor and appropriations made by

1 the General Assembly for all executive branch State agencies
2 must adhere to a method of budgeting where each priority must
3 be justified each year according to merit rather than according
4 to the amount appropriated for the preceding year.

5 (Source: P.A. 96-1, eff. 2-17-09; 96-320, eff. 1-1-10; 96-881,
6 eff. 2-11-10; 96-958, eff. 7-1-10; 96-1000, eff. 7-2-10.)

7 (15 ILCS 20/50-25)

8 Sec. 50-25. Statewide prioritized goals. For fiscal year
9 2012 and each fiscal year thereafter, prior to the submission
10 of the State budget, the Governor, in consultation with the
11 appropriation committees of the General Assembly and,
12 beginning with budgets prepared for fiscal year 2013, the
13 commission established under this Section, shall: (i)
14 prioritize outcomes that are most important for each State
15 agency of the executive branch under the jurisdiction of the
16 Governor to achieve for the next fiscal year and (ii) set goals
17 to accomplish those outcomes according to the priority of the
18 outcome. There must be a reasonable number of annually defined
19 statewide goals defining State priorities for the budget. Each
20 goal shall be further defined to facilitate success in
21 achieving that goal. No later than July 31 of each fiscal year
22 beginning in fiscal year 2012, the Governor shall establish a
23 commission for the purpose of advising the Governor in setting
24 those outcomes and goals, including the timeline for achieving
25 those outcomes and goals. The commission shall be a

1 well-balanced group and shall be a manageable size. The
2 commission shall hold at least 2 public meetings during each
3 fiscal year. One meeting shall be held in the City of Chicago
4 and one meeting shall be held in the City of Springfield. By
5 November 1 of each year, the commission shall submit a report
6 to the Governor and the General Assembly setting forth
7 recommendations with respect to the Governor's proposed
8 outcomes and goals. The report shall be published on the
9 Governor's Office of Management and Budget's website. In its
10 report, the commission shall propose a percentage of the total
11 budget to be assigned to each proposed outcome and goal. The
12 commission shall also review existing mandated expenditures
13 and include in its report recommendations for the termination
14 of mandated expenditures. The General Assembly may object to
15 the commission's report by passing a joint resolution detailing
16 the General Assembly's objections.

17 In addition, each other constitutional officer of the
18 executive branch, in consultation with the appropriation
19 committees of the General Assembly, shall: (i) prioritize
20 outcomes that are most important for his or her office to
21 achieve for the next fiscal year and (ii) set goals to
22 accomplish those outcomes according to the priority of the
23 outcome. The Governor and each constitutional officer shall
24 separately conduct performance analyses to determine which
25 programs, strategies, and activities will best achieve those
26 desired outcomes. The Governor shall recommend that

1 appropriations be made to State agencies and officers for the
2 next fiscal year based on the agreed upon goals and priorities.
3 Each agency and officer may develop its own strategies for
4 meeting those goals and shall review and analyze those
5 strategies on a regular basis. The Governor shall also
6 implement procedures to measure annual progress toward the
7 State's highest priority outcomes and shall develop a statewide
8 reporting system that compares the actual results with budgeted
9 results. Those performance measures and results shall be posted
10 on the State Comptroller's website, and compiled for
11 distribution in the Comptroller's Public Accountability
12 Report, as is currently the practice on the effective date of
13 this amendatory Act of the 96th General Assembly.

14 (Source: P.A. 96-958, eff. 7-1-10.)

15 Section 15. The Illinois Grant Funds Recovery Act is
16 amended by adding Section 4.2 as follows:

17 (30 ILCS 705/4.2 new)

18 Sec. 4.2. Suspension of grant making authority. Any grant
19 and any grant program administered by a grantor agency
20 subject to this Act are indefinitely suspended on July 1, 2012,
21 and on July 1st of every 5th year thereafter, unless the
22 General Assembly, by law, authorizes that grantor agency to
23 make grants or lifts the suspension of the authorization of
24 that grantor agency to make grants. In the case of a suspension

1 of the authorization of a grantor agency to make grants, the
2 authority of that grantor agency to make grants is suspended
3 until the suspension is explicitly lifted by law by the General
4 Assembly, even if an appropriation has been made for the
5 explicit purpose of such grants. This suspension of grant
6 making authority supersedes any other law or rule to the
7 contrary.

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