



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5125

Introduced 2/8/2012, by Rep. Jim Watson

SYNOPSIS AS INTRODUCED:

30 ILCS 105/11.2 new

Amends the State Finance Act. Provides that a State agency shall not create or implement a new program, nor make any expenditure or obligation of public funds with respect to a new program, without having a one-time certificate to proceed with that new program issued by the Comptroller. Provides that the Comptroller shall issue a certificate to proceed unless, at the time of the proposed creation, implementation, or expenditure, the State has a significant backlog of overdue bills. Provides for a waiver in the case of emergency. Does not bar recovery by a person, acting in good faith, to whom a State agency has incurred an obligation or liability in violation of the certificate requirement. Effective immediately.

LRB097 16919 PJG 62107 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 Section 11.2 as follows:

6 (30 ILCS 105/11.2 new)

7 Sec. 11.2. Limitation on spending for new programs.

8 (a) A State agency shall not create or implement a new
9 program, nor make any expenditure or obligation of public funds
10 with respect to a new program, without having a one-time
11 certificate to proceed with that new program that has been
12 issued by the Comptroller.

13 (b) The Comptroller shall continuously monitor the amounts
14 and due dates of the State's overdue bills.

15 (c) The Comptroller shall, upon request, issue to a State
16 agency a certificate to proceed with the creation or
17 implementation of a new program unless, at the time of the
18 proposed creation or implementation, the State has a
19 significant backlog of overdue bills.

20 (d) For the purposes of this Section, "new program" means a
21 program or project originally created or significantly
22 expanded under a Public Act that becomes law on or after July
23 1, 2012 or an executive order issued on or after that date.

1 (e) For the purposes of this Section, "significant backlog
2 of overdue bills" means a balance of more than \$250,000,000 of
3 unpaid bills that are more than 30 days overdue.

4 (f) The Comptroller shall not approve or draw a warrant on
5 any voucher presented to the Comptroller relating to a new
6 program that requires, but has not been issued, a certificate
7 to proceed under this Section.

8 (g) In the event of an emergency affecting public health,
9 safety, or welfare, as determined jointly by the Governor and
10 the Comptroller, and for so long as the emergency continues,
11 the Governor and Comptroller may jointly issue a waiver
12 permitting a State agency to create, implement, or make an
13 expenditure with respect to a new program created in response
14 to the emergency, without the issuance of a certificate to
15 proceed by the Comptroller as required under subsection (a).

16 (h) This Section does not bar recovery by a person, acting
17 in good faith, to whom a State agency has incurred an
18 obligation or liability in violation of this Section.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.