



Illinois constitution exists to impose order, not for political convenience



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The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

[Illinois Constitution](#), Article VIII, section 2 (b)

There's nothing mysterious or complicated about the Illinois Constitution's directive on state expenditures. They *all* must be defined by the General Assembly. Without an appropriation, there is no authority to spend.

It's very simple and for good reason. In theory it forces the General Assembly and the governor to draft an agreed-upon spending plan before the budget year begins. Failure to do so invites painful consequences as government attempts to function with no money. More precisely, with no authorization for discretionary spending of the money it has. (And in theory it also requires spending to not exceed revenue for the coming year, something the Democrats in the General Assembly disregarded in 2014.)

This is why Attorney General Lisa Madigan is correct in arguing that the **Illinois Comptroller's Office has no legal authority to issue state employee paychecks**. She's also doing the right thing in pursuing a ruling from the Illinois Supreme Court on whether Illinois state employees can be paid without a state budget.

Due to a pair of dueling circuit court rulings last week, first in Cook County and then in St. Clair County, the Illinois **Comptroller's Office has begun processing payroll as usual**. Which is to say, processing payroll as if there is a state budget that authorizes said payroll spending.

As I [noted last week](#), this arrangement of business as usual with state employees will only enable Gov. Bruce Rauner and his Democratic counterparts to further avoid their responsibility so they can continue their political stare-down. Without unpaid state employees pounding down their doors, Rauner and the Democrats at the center of this scrum have little incentive to abandon their war of attrition.

Article VIII, section 2 (b) exists to ensure that lawmakers and the governor take their fiscal responsibility seriously. It's designed to throw a big wrench into state government operations if there's no budget. A government shutdown should not be comfortable, least of all to those who caused it. It's something that should be avoided at all costs, not embraced as a tool in a strategy of one-upmanship.

A similar episode played out in the summer of 1991 when a new Republican governor, Jim Edgar, squared off with House Speaker Michael Madigan over the budget. A lawsuit to force Comptroller Dawn Clark Netsch to issue paychecks without a budget was **dismissed by a Sangamon County judge who cited the constitution's appropriations clause**. The Fourth District Appellate Court agreed.

"We are in sympathy with the broad spectrum of State workers, including those of the courts and even counsel who argued before us on behalf of the State, who are being subjected to financial hardship and frustration because of the continuing governmental impasse," the appellate court wrote. "This sympathy is tempered by the limitations imposed upon us by our constitution. We recognize that the constitution places specific

and general obligations on the State for the benefit of the people of the State.” (The appellate court’s ruling is here: [afscme-v-netsch](#).)

If you’ve followed the current cases, that quote should sound familiar. Here’s the [statement from Lisa Madigan](#) as her office sought to stop the comptroller from issuing paychecks:

“I absolutely want State employees to be paid their full wages. But the Illinois Constitution and case law are clear: The State cannot pay employees without a budget. The judge’s order reaffirms this. It remains up to the Governor and the Legislature to enact a state budget to allow for necessary government operations and programs to continue.”

[Madigan’s petition to the Illinois Supreme Court](#) seeks to combine the appeals of both the Cook County ruling and the St. Clair County ruling — opinions that are diametrically opposed in interpreting state law — **and get a single answer from the state’s ultimate legal authority.**

Rauner has said throughout this stalemate that he wants to see all state employees fully paid for their work. **My money says he’s about to get a message from the Illinois Supreme Court justices that he and his Democratic adversaries never needed a judge’s help to make that happen.**

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