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# State Legislative Oversight: **Illinois**



## Capacity and Usage Assessment

Oversight through Analytic Bureaucracies:	Moderate
Oversight through the Appropriations Process:	Moderate
Oversight through Committees:	Moderate
Oversight through Administrative Rule Review:	High
Oversight through Advice and Consent:	Moderate
Oversight through Monitoring Contracts:	Limited
Judgment of Overall Institutional Capacity for Oversight:	High
Judgment of Overall Use of Institutional Capacity for Oversight:	High

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## Summary Assessment

Illinois' legislature appears to do an adequate job of overseeing the executive, despite having substantial institutional capacity to produce information and institutional structures that facilitate bipartisan participation. We note that the absence of recordings of oversight hearings and other committee hearings makes it very difficult to assess legislators' performance on oversight. The appropriations process appears to be controlled by legislative leadership. And there is a contest of wills between the executive branch and the legislature that led to a two year budget stalemate.

## Major Strengths

Illinois balances partisan membership on its oversight committee, the Legislature Audit Committee (LAC) and its Joint Committee on Administrative Rules (JCAR), which insures that the minority party has a voice in these hearings. The legislature's rule review powers are extraordinarily strong—trending toward a legislative veto. Furthermore, the state's legislature does appear to make substantial use of audit reports in creating legislation and during the budget and appropriations process. Joint committee meetings make it easier to communicate audit reports to both chambers. The appropriations process is often contentious, however, and appears to be infused with partisan politics. The Illinois General Assembly seems to scrutinize appointees thoroughly, and it intervenes in the governor's efforts to reorganize agencies.

## Challenges

While it appears that special legislative committees are somewhat effective in addressing pressing issues in executive agencies, they are not especially numerous, and their purview is limited. Meanwhile, the general assembly's numerous standing committees do not appear to be heavily engaged in oversight activities. State contracts, meanwhile, are mostly out of the legislature's hands. In conclusion, the legislature in the State of Illinois could improve its

oversight over the executive branch by seeking to increase their involvement in through standing committees and auditing the performance of contractors delivering public services.

## Relevant Institutional Characteristics

Illinois has a highly professionalized legislature, ranked as 9<sup>th</sup> in the country (Squire, 2017). The Illinois legislature is also variously classified as “full-time” (Haider-Markel, 2008) or by the NCSL as “full-time lite.”<sup>658</sup> It meets throughout the year, and Illinois legislators earn a base salary of \$67,836 annually and are entitled to \$111 per diem.<sup>659</sup> Assembly members in Illinois are supported by 784 full-time staff.<sup>660</sup> Senators serve four-year terms, while house members serve two-year terms.

Powerful leadership is a notable feature of the Illinois Legislature,<sup>661</sup> and some observers have noted that “[t]he leadership’s control of the legislative process is” exceptionally strong (Haider-Markel, 2008). The result is a highly managed legislative process in which standing committees, appropriations, and the legislative process, more generally, is subordinated to the decisions of the leadership. In January 2017 the Illinois Senate adopted a resolution that imposed term limits on its leadership, but the state house did not follow suit, leaving Mike Madigan, the longest-serving state house speaker in recent U.S. history, in power (Berg, 2017).<sup>662</sup>

Illinois’s governor, meanwhile, is also fairly powerful, being tied for 13<sup>th</sup> out of 50 states in terms of authority (Ferguson, 2013). There are several sources of gubernatorial power. There are no gubernatorial term limits in Illinois, only a few other executive positions are separately elected, the governor can call the legislature into special session, and, importantly, the governor has broad veto powers, including a whole-bill veto, a line-item veto, a reduction veto, and an amendatory veto (Paprocki, 2017).<sup>663</sup> Furthermore, the Illinois governor has more time in which to use a veto than many other states: “No state comes close to the 60-day window allotted to Illinois’ governors, [and] this unique constitutional provision is consistent with the ‘extraordinary veto power’ granted to the executive branch” (Tomaka, 2015).<sup>664</sup> Illinois is also among just a few states that permit a governor to item-veto parts of all bills, not just budget or appropriations bills. Aside from the reduction veto, which can be overridden with a simple majority, overriding gubernatorial vetoes requires a three-fifths majority (Paprocki, 2017).<sup>665</sup> Thus, even though the Illinois General Assembly is highly professional, and “considers itself a coequal branch of government,” the state’s governor appears to have many powers, both formal and informal (Haider-Markel, 2008).

Illinois has a lower than average proportion of its citizens working in state and local government jobs—10.6% compared to 11.3% nationally (Edwards, 2006). Of this, 6% work in education, 1.7% in public safety, 1% in welfare, 1.3% in services, and 0.6% in other sectors.

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<sup>658</sup> <http://www.ncsl.org/research/about-state-legislatures/full-and-part-time-legislatures.aspx>, accessed 7/1/18.

<sup>659</sup> <http://www.ncsl.org/research/about-state-legislatures/legislator-compensation-2018.aspx>, accessed 7/1/18.

<sup>660</sup> <http://www.ncsl.org/research/about-state-legislatures/staff-change-chart-1979-1988-1996-2003-2009.aspx>, accessed 7/1/18.

<sup>661</sup> Battista (2011) provides a composite index of legislative leader power that ranks Illinois as the 3<sup>rd</sup> most powerful legislative leaders nationally, after West Virginia and Arizona.

<sup>662</sup> <https://www.illinoispolicy.org/illinois-senate-passes-term-limits-for-legislative-leaders/>, accessed 7/2/18.

<sup>663</sup> <https://www.illinoispolicy.org/illinois-gubernatorial-veto-procedure/>, accessed 7/2/18.

<sup>664</sup> <https://www.csgmidwest.org/policyresearch/0915-veto-powers.aspx>, accessed 7/2/18.

<sup>665</sup> <https://www.illinoispolicy.org/illinois-gubernatorial-veto-procedure/>, accessed 7/2/18.

Compared to other states, the area of welfare is the one that employs fewer than average percentage of workers—1% in Illinois compared to an average of 1.5% nationally.

## Political Context

Although the Illinois General Assembly was controlled by Democrats in 2018 (37 to 22 in the senate and 67 to 51 in the house), the governor at that time, Bruce Rauner, was a Republican. Republicans have controlled the governor's office the majority of the time since the 1980s, with the exceptions being Rod Blagojevich followed by Patrick Quinn until the 2018 election of J B. Pritzker. Democrats have controlled the Illinois Senate since 2003, although for all of the previous decade Republicans controlled that chamber. Democrats have more consistently controlled the state house, with only one two-year period of Republican control (1995-96) since 1992. Therefore, much of the time Illinois has had divided government. Within the legislature, Illinois shows only moderate levels of polarization: the house is ranked as the 29th most polarized lower chamber out of 46 states and the senate is ranked the 36th most polarized upper chamber (out of 45 states), according to Shor and McCarty (2015). This lack of polarization could reflect the percentage of the population in Illinois that does not identify with either political party (24%).<sup>666</sup> Additionally, it could be a legacy of the era of moderate, sometimes called pragmatic, Republicans in the mold of Everett Dirksen, who joined President Johnson to pass civil rights legislation in the 1960s. Regardless of its origins, party moderation in the state legislature provides opportunities for bipartisan collaboration on issues of government accountability and legislative oversight.

Illinois politics has a reputation for corruption at both the statewide and national levels (Haider-Markel, 2008). Over the course of its statehood, Illinois has convicted five of its governors on corruption charges, two of its auditors general, a secretary of state, a treasurer, an attorney general, four Chicago aldermen/alderwomen, six municipal officials, seven US house members, and a US senator (Gradel and Simpson, 2015). These experiences with corruption could also motivate legislative efforts to check executive power and oversee state agencies.

## Dimensions of Oversight

### Oversight Through Analytic Bureaucracies

As prescribed in the state's constitution, the Illinois auditor general is recommended by the Legislative Audit Committee and is confirmed by the general assembly by a three-fifths majority vote for a 10-year term (NASACT, 2015).<sup>667</sup> In addition to the Statewide Single Audit, the Office of the Auditor General (OAG) is required by the Illinois State Auditing Act<sup>668</sup> "to conduct . . . a financial audit and or compliance examination of every state agency at least once every two years." The auditor general also conducts performance audits "pursuant to a resolution or law passed by the general assembly." Finally, the auditor general is responsible for IT audits,

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<sup>666</sup> [https://www.openprimaries.org/research\\_illinois](https://www.openprimaries.org/research_illinois), accessed 7/20/18.

<sup>667</sup> <http://ilga.gov/commission/lrb/con8.htm>, accessed 7/3/18.

<sup>668</sup> <http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=466&ChapterID=7>, accessed 7/3/18.

which are intended to “determine whether appropriate controls and recovery procedures exist to manage and protect the state's financial and confidential information.” IT audits typically are part of broader compliance or performance audits.<sup>669</sup>

The OAG is well staffed, with 99 allocated positions. Its \$6.8 million state appropriation does not seem large until one considers that the state appropriated nearly \$24 million for the OAG to hire contractors to perform some of its mandated audits. For example, the auditor general hires a CPA firm to conduct 100% of the state’s single audit. The OAG itself, in addition to 120 financial audits of state agencies in 2017, completed seven performance audits.<sup>670</sup> During 2018 the OAG completed five performance audits of state agencies and authorities.<sup>671</sup> Performance audits usually take a year to conduct, and the Performance Audit Division will conduct five to six of these in-depth studies per year (interview notes, 2018).

Audits are variously requested by the Legislative Audit Commission (LAC), by house, senate, or joint resolutions, or through public acts. According to an interviewee, performance audits are requested more often by house resolutions than by the LAC; most performance audits are the result of resolutions by members. These performance audits will usually result in statutory change and may also prompt the rulings by the attorney general. For instance, during the completion of an audit conducted on the College of DuPage, statutory changes were made in administrative compensation. When the audit was officially released, the college made internal policy changes and further statutory changes were also made (interview notes, 2018). The impact of these audits—not exclusive to performance audits—will be discussed further within the “Oversight Through the Appropriations Process” and “Oversight Through Committees” sections of this paper.

The LAC consists of 12 legislators, six from each chamber and six from each political party. They are appointed by the leadership of the two legislative chambers. The LAC has three permanent staff members to support its work. Although this is considered a time consuming and demanding committee, its members do not receive any additional stipend for their LAC work. They are, however, reimbursed for travel expenses associated with their service on this committee. Co-chairs of the LAC must be from different political parties with one from each of the two legislative chambers.<sup>672</sup>

The LAC officially oversees the performance of the auditor general by contracting with an independent firm to conduct a biennial audit of the auditors.<sup>673</sup> Illinois state law requires that the Legislative Audit Commission also review all audits produced by the auditor general and “determine what remedial measures . . . are needed, and whether special studies and investigations are necessary.”<sup>674</sup> If such a determination is made, the LAC is empowered to direct the auditor general to carry them out. This includes the more than 100 financial audits as well as performance audits. The reviews carried out by the LAC are touted as having two major benefits: (a) “Legislators are directly involved in the audit process, increasing communication within government and supplying feedback to the legislative and appropriations process;” and (b); “Opportunities are increased for both administrative and legislative action to correct weaknesses and deficiencies disclosed in the audit reports.”<sup>675</sup>

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<sup>669</sup> <https://www.auditor.illinois.gov/Audit-Reports/description.asp>, accessed 7/3/18.

<sup>670</sup> <https://www.auditor.illinois.gov/Audit-Reports/Performance-Audits.asp>, accessed 7/3/18.

<sup>671</sup> <https://www.auditor.illinois.gov/Audit-Reports/Performance-Audits-In-Progress.asp>, accessed 8/9/18.

<sup>672</sup> <http://ilga.gov/commission/lac/Annual2017.pdf>, accessed 7/20/18.

<sup>673</sup> <http://ilga.gov/commission/lac/Annual2017.pdf>, accessed 7/20/18.

<sup>674</sup> <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=461&ChapterID=6>, accessed 7/3/18.

<sup>675</sup> <http://ilga.gov/commission/lac/Annual2017.pdf>, accessed 7/3/18.

*Vignette: The Auditor General's Audit of the Neighborhood Recovery Initiative*

*Recent transcripts or archived audio and video for LAC meetings are not available. However, the LAC's website has minutes and transcripts posted for seven meetings held between May and October 2014 regarding an audit of the controversial Neighborhood Recovery Initiative (NRI), which was a program originally implemented in 2010 "to reduce risk factors associated with violence in 23 communities in Cook County."<sup>676</sup> Originally the NRI was supervised by the Illinois Violence Prevention Authority (IVPA). It appears that IVPA did not track the money spent and dispersed funds to agencies that did not meet NRI program eligibility criteria. The audit found that the NRI program was "hastily implemented," poorly documented, beset with budgetary problems, and could produce no evidence that it was producing any meaningful results to curb violence. Then-Gov. Patrick Quinn claimed that he identified problems with IVPA management of NRI prior to the audit report and that he had already dealt with the problems by abolishing the IVPA and put NRI under the purview of the Illinois Criminal Justice Information Authority (ICJIA). The audit was initiated by Republican representatives, but the Democratic majority in the house directed the state auditor to investigate the program. The LAC meetings regarding the NRI audit were fairly substantial, typically lasting two hours or longer.*

*During these meetings, committee members took testimony from witnesses and asked questions about various aspects of the NRI program. One particularly contentious issue pertained to the opaque methodology used to determine which communities were ultimately included in the NRI. The auditor general's report noted that several of the most crime-stricken areas of Cook County were omitted, while the relatively safer south suburbs were included. Chief of staff for Gov. Quinn stated that the determination was made based on a study of crime statistics, but neither that report, nor any documentation of that report, was ever found. As one committee member complained, "[t]he troubling part of this is that we get the same response from every witness that's here, which is there was some analysis somewhere that showed us something of which none of us remember what it was, how it was based [sic] or could produce the document that exists."<sup>677</sup>*

*Both the hearings and the audit of the NRI program became highly politicized. The former director of the Illinois Violence Prevention Authority (IVPA), the agency that managed the NRI until Gov. Quinn abolished it, claimed that "the entire [NRI] program had become a political football in the sense that the Republicans seemed very disturbed by this program. They wanted it cut and wanted it audited very early in the process" (Cremins, 1969).<sup>678</sup> Indeed, "Republicans . . . blasted the program as a 'political slush fund' and a cynical election-strategy maneuver by [Governor] Quinn to win more South Side votes one month before his narrow victory over Illinois state senator Bill Brady in 2010" (Carlson, 2014).<sup>679</sup> Such concerns were not allayed by the fact that emails from an advisor to the governor, a Democrat, indicated that*

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<sup>676</sup> [https://www.auditor.illinois.gov/Audit-Reports/Performance-Special-Multi/Performance-Audits/2014\\_Releases/14-IVPA-NRI-Perf-Digest.pdf](https://www.auditor.illinois.gov/Audit-Reports/Performance-Special-Multi/Performance-Audits/2014_Releases/14-IVPA-NRI-Perf-Digest.pdf), accessed 7/3/18.

<sup>677</sup> <http://ilga.gov/commission/lac/nri/Transcripts/12October%209,%202014%20Legislative%20Audit%20Commission%20Meeting%20Transcript.pdf>, accessed 7/3/18.

<sup>678</sup> <https://townhall.com/watchdog/illinois/1969/12/31/nri-hearings-reveal-questions-on-program-integrity-n6323>, accessed 7/3/18.

<sup>679</sup> <https://www.nbcchicago.com/blogs/ward-room/Pat-Quinn-Illinois-Governor-Anti-Violence-Program-Controversy-257536421.html>, accessed 7/3/18.

*the governor's staff "believed the program would be beneficial for increasing support in African-American communities" (Illinois News Network, 2014).<sup>680</sup> Despite the governor's efforts to improve oversight of the program, the NRI continued to be a "political football" for Republicans in the general assembly (The Caucus Blog, 2014),<sup>681</sup> who sponsored legislation directing the auditor general to carry out a follow-up audit on the NRI/ICJIA.<sup>682</sup> This audit also found evidence of continued gross mismanagement of the NRI program under the ICJIA.<sup>683</sup> Ultimately, criticism of the NRI program became a theme (Meisel, 2014)<sup>684</sup> in the successful election campaign of Republican gubernatorial candidate Bruce Rauner (Erickson, 2014).<sup>685</sup> However, with the end of the NRI program in 2014, "not much else [was] done to correct the problem 'other than there's new people in the agencies who wasted all this money before,'" according Senator Jason Brickman, the co-chair of the Legislative Audit Commission (Bishop, 2017b).<sup>686</sup> Brickman was one of the sponsors of SB0749,<sup>687</sup> which would have required more legislative oversight over spending by programs like the NRI. However, that bill has been stuck in committee since October 2017.*

Indeed, despite the controversies surrounding the NRI and its political mobilization, it appears that inaction on the part of legislators in response to audit reports is a considerable problem in Illinois. As one member of the Legislative Audit Commission complained, "[w]hether it be not having an Office of Inspector General and having things go into a binder and sit, or whether it be EDGE credits (Bakala, 2017),<sup>688</sup> or whether it be how we invest money in violence prevention funds," audit reports are not always acted upon decisively (Bishop, 2017a).<sup>689</sup> This is borne out by the fact that audit recommendations made to agencies were repeated in the next audit—in some cases this occurred for up to 78% of the recommendations. Nevertheless, the LAC's 2017 annual report also notes six pieces of legislation that were signed by the governor "as recommended by audit reports or Audit Commission Members."<sup>690</sup>

<sup>680</sup> [https://www.ilnews.org/news/state\\_politics/thursday-s-nri-hearing-answers-few-questions/article\\_06a391f8-caeb-59f7-8ca8-45d590781a05.html](https://www.ilnews.org/news/state_politics/thursday-s-nri-hearing-answers-few-questions/article_06a391f8-caeb-59f7-8ca8-45d590781a05.html), accessed 7/3/18.

<sup>681</sup> <http://www.thecaucusblog.com/2014/03/week-in-review-for-3314-through-3714.html>, accessed 7/3/18.

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<http://www.ilga.gov/legislation/billstatus.asp?DocNum=888&GAID=12&GA=98&DocTypeID=HR&LegID=81433&SessionID=85>, accessed 7/3/18.

<sup>683</sup> [https://www.auditor.illinois.gov/Audit-Reports/Performance-Special-Multi/Performance-Audits/2016\\_Releases/16-ICJIA-Perf-Full.pdf](https://www.auditor.illinois.gov/Audit-Reports/Performance-Special-Multi/Performance-Audits/2016_Releases/16-ICJIA-Perf-Full.pdf), accessed 7/3/18.

<sup>684</sup> <https://will.illinois.edu/news/story/troubled-anti-violence-program-used-as-political-fuel-during-debate>, accessed 7/3/18.

<sup>685</sup> [https://www.pantagraph.com/news/state-and-regional/illinois/government-and-politics/rauner-wants-nri-probe-to-move-forward/article\\_0f2fde71-e3d0-50bc-9a65-d333cae89345.html](https://www.pantagraph.com/news/state-and-regional/illinois/government-and-politics/rauner-wants-nri-probe-to-move-forward/article_0f2fde71-e3d0-50bc-9a65-d333cae89345.html), accessed 7/3/18.

<sup>686</sup> [https://www.ilnews.org/news/state\\_politics/millions-of-dollars-still-missing-from-dubious-quinn-era-neighborhood/article\\_c03f1b60-b8e7-11e7-aa63-e3008588b609.html](https://www.ilnews.org/news/state_politics/millions-of-dollars-still-missing-from-dubious-quinn-era-neighborhood/article_c03f1b60-b8e7-11e7-aa63-e3008588b609.html), accessed 7/3/18.

<sup>687</sup>

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=749&GAID=14&GA=100&DocTypeID=SB&LegID=101274&SessionID=91>, accessed 7/3/18.

<sup>688</sup> The Economic Development for a Growing Economy (EDGE) tax credit program was intended to "lure companies to the Land of Lincoln in order to create jobs." However, there is little evidence that EDGE accomplished these objectives. In addition to being ineffective, EDGE was also expensive and unfair to Illinois businesses not selected for deals." See: <https://www.illinoispolicy.org/illinois-senate-votes-to-revive-edge-business-tax-credit-program/>, accessed 7/3/18.

<sup>689</sup> [https://www.ilnews.org/news/state\\_politics/legislative-audit-commission-member-frustrated-with-lack-of-oversight/article\\_b9a22fd4-cbd6-11e7-a0e2-d7df4840c56e.html](https://www.ilnews.org/news/state_politics/legislative-audit-commission-member-frustrated-with-lack-of-oversight/article_b9a22fd4-cbd6-11e7-a0e2-d7df4840c56e.html), accessed 7/3/18.

<sup>690</sup> <http://ilga.gov/commission/lac/Annual2017.pdf>, accessed 7/3/18.

Finally, Illinois also has an Office of the Executive Inspector General (OEIG), which is “an independent executive branch state agency which functions to ensure accountability in state government and the four regional transit boards.”<sup>691</sup> OEIG produces reports of its investigative activities, which typically revolve around financial or ethical malfeasance on the part of government employees. These reports are referred to the Executive Ethics Commission,<sup>692</sup> and, apart from being the target of “outreach efforts,” it does not appear that the legislature is substantially involved in OEIG’s activities. The OEIG’s 2017 annual report notes, moreover, that “[a]t the time this Annual Report was published, the bills the OEIG worked to introduce had not been passed by the general assembly.”<sup>693</sup>

## Oversight Through the Appropriations Process

The appropriations process in Illinois is dominated to a substantial degree by the legislative leadership. During the budget process, which must be concluded by May 31<sup>st</sup>, agency officials appear before appropriations committees to give testimony and take questions. There are two standing committees that have jurisdiction over all spending bills: Appropriations I and Appropriations II. In the house there are five appropriations committees with jurisdiction over broad substantive areas of spending: elementary and secondary education, general services, higher education, human services, and public safety. One person familiar with the process said that five to six agencies appear before the Senate Appropriations I committee during each hearing, and said that the process was similar in the Appropriations II committee. Prior to the hearings, the committee staff would have prepared for legislators an analysis of the agency’s budget highlighting past spending, how current appropriations are being used, and future budget requests. This analysis is typically prepared in conjunction with agencies themselves. Large agencies, like the Department of Human Services (DHS) are typically questioned more extensively than others, simply due to the large number of programs they administer.

Audit reports, including performance and financial audits, have an impact on the appropriations process. Performance and financial audits have been used by the House Chairman of Appropriations for their “research on appropriations levels for agencies” (interview notes, 2018). In particular, the house chairman will hold a pre-meeting, which involves a survey process. During this process, the chair will specifically address audit findings, how they are used, and ask questions of the auditor general’s staff. Furthermore, these audits also have an impact on the Combined Annual Financial Report of the State, which is used to assess “the financial position of the state”<sup>694</sup> (interview notes, 2018).

Outside of the survey process and during the official appropriations committee hearing for both chambers and for the budget, auditor general staff presents audit findings. Furthermore, the auditor general’s fiscal officer meets regularly with the comptroller and appropriations’ chairs as well (interview notes, 2018). Typically, staff does not comment on whether legislation should be adopted. Audits are, however, used “very frequently . . . to make statutory changes or

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<sup>691</sup> <https://www2.illinois.gov/oeig/about/Pages/default.aspx>, accessed 7/9/18.

<sup>692</sup> <https://www2.illinois.gov/eec/Pages/default.aspx>, accessed 7/9/18.

<sup>693</sup> <https://www2.illinois.gov/oeig/publications/Documents/2017%20Fiscal%20Year%20Annual%20Report.pdf>, accessed 7/9/18.

<sup>694</sup> <https://illinoiscomptroller.gov/financial-data/find-a-report/comprehensive-reporting/comprehensive-annual-financial-report-cafr/>, accessed 8/9/18.



to prompt determinations or rulings for the attorney general” (interview notes, 2018).

Once hearings are concluded, committee members, in conjunction with legislative leadership and representatives from the governor’s office, engage in what one source describes as “hours and hours” of budget meetings to formulate how money will be allocated. This process is highly influenced by the legislative leadership. While there is some input from “regular” members of the assembly, appropriations committees are stacked with people who are handpicked by the leadership, ensuring that they will go along with leadership preferences for the final budget.

### *Vignette: The Legislature’s Override of the Governor’s Budget Veto*

*In recent years, the appropriations process in Illinois has become particularly contentious. This has been driven in part by partisan battles between Democratic legislative leadership and the current Republican governor over ongoing deficit spending (Bosman & Davey, 2017a).<sup>695</sup> The state’s powerful house speaker, Michael Madigan, “said that Democrats [were] engaged in an ‘epic struggle’ with [Governor] Rauner, and that he would not allow the governor to damage labor unions as a condition of passing a budget” (Bosman, 2015).<sup>696</sup> Similarly, the senate president, John Cullerton, “said that the governor’s requirements for the budget would force Democrats to abandon their core principles as a party.” Among other things, these requirements included freezes on property tax increases, changes to collective bargaining rights, and cuts to workers’ compensation. Thus, in 2015, when the legislature submitted a budget for the governor’s signature, it was vetoed (Schutz, 2015).<sup>697</sup> As a result of this impasse, between July 2015 and August 2017 the state had no budget (Bosman & Davey, 2017a).<sup>698</sup> In 2016, the general assembly failed to pass a budget altogether, forcing the legislature and the governor to agree to a “stopgap budget” that prevented the government from shutting down (Garcia, Geiger, & Dardick, 2016).<sup>699</sup> Then, in 2017, the governor was forced to call the legislature into special session after it once again failed to pass a budget. When the general assembly submitted its budget after a “dramatic showdown that culminated in an extraordinary Fourth of July vote,” the governor again vetoed the bill, “citing its permanent income tax increase” as unacceptable (Korecki, 2017).<sup>700</sup>*

*This move, however, proved to be too much even for many of the governor’s Republican allies in the legislature, and the general assembly subsequently overrode the veto (Garcia & Geiger, 2017).<sup>701</sup> According to one account, “Several Republican house members broke into tears as they voted in favor of a tax increase they said they opposed on principle but said they couldn’t continue to watch the state burn to the ground” (Korecki, 2017).<sup>702</sup> In 2016 the state’s*

<sup>695</sup> <https://www.nytimes.com/2017/06/29/us/illinois-state-budget-impasse.html>, accessed 7/6/18.

<sup>696</sup> <https://www.nytimes.com/2015/10/27/us/illinois-budget-stalemate-rauner-and-democrats-divided.html>, accessed 7/6/18.

<sup>697</sup> <https://chicagotonight.wttw.com/2015/06/25/gov-bruce-rauner-vetoes-budget-bills>, accessed 7/6/18.

<sup>698</sup> <https://www.nytimes.com/2017/06/29/us/illinois-state-budget-impasse.html>, accessed 7/6/18.

<sup>699</sup> <http://www.chicagotribune.com/news/local/politics/ct-illinois-budget-impasse-madigan-rauner-met-0701-20160630-story.html>, accessed 7/6/18.

<sup>700</sup> <https://www.politico.com/story/2017/07/04/illinois-legislature-budget-bruce-rauner-240213>, accessed 7/6/18.

<sup>701</sup> <http://www.chicagotribune.com/news/local/politics/ct-illinois-senate-income-tax-hike-budget-met-0705-20170704-story.html>, accessed 7/6/18.

<sup>702</sup> <https://www.politico.com/story/2017/07/04/illinois-legislature-budget-bruce-rauner-240213>, accessed 7/6/18.

credit rating had been downgraded to BBB; in 2017 it was downgraded again to BBB-. The S&P cited the looming threat of a shutdown of government and the state's present debt as well as a budget deficit as reasons for the downgrades (CNBC, 2017).<sup>703</sup> Indeed, in July 2017, the Illinois government shut down momentarily after the governor vetoed a last-minute appropriations bill (Bosman & Davey, 2017b).<sup>704</sup> While the veto override avoided a further downgrade of the state's bond rating to "junk" status, Illinois amassed nearly \$17 billion in unpaid bills since 2015 (Silets, 2018).<sup>705</sup> Nevertheless, by January 2018 the governor was again vowing to "roll back" the tax increases that had been included in the 2017 appropriations bill (The Associated Press, 2018).<sup>706</sup>

Despite fears that another showdown over the budget was looming, the general assembly passed a balanced budget in May, which the governor subsequently signed. "Left for another day were some of the state's most pressing financial problems: A backlog of unpaid bills . . . and a massive pension debt that's on track to consume a growing portion of Illinois' annual revenue. Also set aside was the governor's call for retirement system changes that he said could allow for a modest quarter-percent rollback of the state income tax" (Garcia, Geiger, & Lukitsch, 2018).<sup>707</sup>

## Oversight Through Committees

The Illinois legislature has 78 standing committees: 29 in the senate and 49 in the house. Standing committees in Illinois are heavily subordinated to the will of the legislative leadership. As Haider-Markel (2008) explains, legislative leaders can "change membership on a committee at any time, which [makes] it much easier to control the outcome of committee decisions. As a result, committees have become weak, although they have some value as forums for hearing the positions of interest groups and gathering expert information." Legislation is assigned to standing committees by the Rules or Assignments committee, depending on the chamber.

Afterwards, a "bill's proponent, generally an individual representing the interest group or government agency or the private citizen who asked that the bill be introduced, will often also be present to explain the reason the bill was introduced and to answer questions from the panel. Lobbyists, interest group representatives, and private citizens all have a chance at this time to voice support or opposition to a bill."<sup>708</sup> The committee may then vote, by a simple majority, to pass the bill out of committee for a vote in the full chamber. Despite the proliferation of substantive standing committees in the general assembly, there is not much evidence that they engage in oversight activities. Most committee meetings are instead devoted to approving (or disapproving) legislation for vote by the general assembly, according to the wishes of the legislative leadership.

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<sup>703</sup> <https://www.cnn.com/2017/06/25/illinois-debt-is-about-to-be-rated-junk-what-that-means.html>, accessed 7/9/18.

<sup>704</sup> <https://www.nytimes.com/2017/07/06/us/illinois-budget-shutdown-states-rauner.html>, accessed 7/9/18.

<sup>705</sup> <https://chicagotonight.wttw.com/2018/02/12/illinois-lawmakers-preview-upcoming-budget-battle>, accessed 7/6/18.

<sup>706</sup> <http://wkms.org/post/illinois-governor-pledges-rollback-income-tax-increase>, accessed 7/6/18.

<sup>707</sup> <http://www.chicagotribune.com/news/local/politics/ct-met-illinois-legislature-budget-final-day-20180531-story.html>, accessed 7/6/18.

<sup>708</sup> [https://www.surs.org/pdfs/legal/How\\_a\\_Bill\\_Becomes\\_a\\_Law.pdf](https://www.surs.org/pdfs/legal/How_a_Bill_Becomes_a_Law.pdf), accessed 7/6/18.

Apart from the appropriations process, audit reports are discussed during state government and administration committees within the house or senate. It does seem as though the activities of standing committees are driven by partisanship and the preferences of legislative leaders, as one source noted that audit reports are seldom requested or consulted, unless something “controversial” occurs that could be used for partisan gain and that “this is politics, after all” (interview notes, 2018). However, as previously discussed, when performance audits are conducted, a legislator often initiates the request. As a result of legislator interest, audits might be used more routinely by Illinois’ legislature. Furthermore, staff from the auditor general’s office will appear at committee hearings—similar to the appropriations process—primarily present audit findings. This staff may answer other questions as well during these hearings (interview notes, 2018).

Oversight through committees in Illinois seems to occur mostly through the creation of special committees. These limited-term committees are created through legislative resolutions. For example, in 2014, House Resolution 96 created the Joint Criminal Justice Reform Committee “to examine the impact of the current sentencing structure, ensure that the enforcement and punishment of crimes does not disproportionately or unfairly affect certain racial, ethnic, or minority groups, and develop solutions to address the issues that exist within the system.”<sup>709</sup> This committee met five times between July and November 2014 and took testimony from representatives from a variety of state agencies, including law enforcement agencies, the Illinois Department of Corrections, the Department of Juvenile Justice, scholars, analysts, and advocates and activists from the community. No minutes, transcripts, or archived audio and video exist from these hearings, so it is difficult to assess how incisive legislators’ questions to witnesses were. However, the appendices<sup>710</sup> to the final report from this committee contain substantial written and documentary testimony from witnesses. Online documents<sup>711</sup> from the meetings also indicate that some witnesses provided oral testimony as well.

The recommendations contained in the committee’s final report<sup>712</sup> indicated that the committee intended to “continue discussions and develop legislative proposals to present to the general assembly aimed at addressing the issues that exist within the criminal justice system.” The report also noted that “committee members are committed to this task and expect to introduce legislation in early 2015.” Some legislation pertaining to sentencing reform<sup>713</sup> was indeed sponsored by one member of the committee, but that legislation never received a committee hearing. It was, however, co-sponsored by a future member of the separate, governor-appointed State Commission on Criminal Justice and Sentencing Reform.<sup>714</sup> Another piece of legislation, SB2872 explicitly “contain[ed] a number of elements from the [gubernatorial]

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<sup>709</sup>

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=96&GAID=12&DocTypeID=HJR&LegId=82253&SessionID=85&GA=98>, accessed 7/6/18.

<sup>710</sup> [http://www.ilga.gov/reports/special/98Appendix%20A%20\(Part%201\).pdf](http://www.ilga.gov/reports/special/98Appendix%20A%20(Part%201).pdf);

[http://www.ilga.gov/reports/special/98Appendix%20A%20\(Part%202\).pdf](http://www.ilga.gov/reports/special/98Appendix%20A%20(Part%202).pdf);

[http://www.ilga.gov/reports/special/98Appendix%20A%20\(Part%203\).pdf](http://www.ilga.gov/reports/special/98Appendix%20A%20(Part%203).pdf), accessed 7/6/18.

<sup>711</sup> <http://my.ilga.gov/Committee/Index/1533?tab=2>, accessed 7/6/18.

<sup>712</sup> <http://www.ilga.gov/reports/special/98Joint%20Committee%20Final%20Report.pdf>, accessed 7/6/18.

<sup>713</sup>

<http://www.ilga.gov/legislation/BillStatus.asp?DocTypeID=SB&DocNum=3258&GAID=12&SessionID=85&LegID=80378>, accessed 7/6/18.

<sup>714</sup> <http://www.icjia.org/cjreform2015/about/>, accessed 7/6/18.

commission's recommendations,"<sup>715</sup> and that legislation was co-sponsored by members of the Joint Criminal Justice Reform Committee.<sup>716</sup>

Currently, there are four special committees in the senate, but none in the house. These committees deal with topics like state and pension funds, housing, and Medicaid and managed care.<sup>717</sup> None of those committees have yet submitted final reports,<sup>718</sup> but it appears that this is a mechanism that the Illinois general assembly relies upon to conduct oversight.

## Oversight Through the Administrative Rules Process

According to the Illinois Administrative Procedure Act (IAPA), the legislative Joint Committee on Administrative Rules (JCAR) "exercises oversight of the rulemaking process on behalf of the entire general assembly (GA) to insure that agency rules meet the requirements of the IAPA and do not exceed the authority that the GA has granted to the agency in statute."<sup>719</sup> JCAR was created in 1977 and is "authorized to conduct systematic reviews of administrative rules promulgated by state agencies. JCAR conducts several integrated review programs, including a review program for proposed, emergency and preemptory rulemaking, a review of new public acts and a complaint review program."<sup>720</sup> The committee consists of 12 legislators, split evenly between the two chambers of the general assembly and between the two major political parties. In addition to advising the legislature as a whole on issues pertaining to proposed regulations, JCAR also publishes a weekly "Flinn Report,"<sup>721</sup> which is intended to "inform and involve the public in changes taking place in agency administration."<sup>722</sup> JCAR meets "at least once each month to consider an agenda that generally includes from 35-50 separate rulemakings by state agencies."<sup>723</sup>

When an agency wishes to propose a new regulation, it first drafts the rule and publishes a "Notice of Rulemaking" in the Illinois Register. During this "First Notice" period, the general public can comment on the rule, and public hearings can be held; hearings are required when requested by "the governor, JCAR, an association representing over 100 persons, 25 individuals, or a local government."<sup>724</sup> After a minimum of 45 days, the agency can file the rule with JCAR. However, if the rule is not submitted to JCAR within one year it automatically expires. Once a rule is submitted to JCAR, a "Second Notice" review period, lasting no more than 45 days, commences. During this time, JCAR staff and legislative committee members review the rule "for statutory authority, propriety, standards for the exercise of discretion, economic effects, clarity, procedural requirements, technical aspects, etc." JCAR may then recommend technical

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<sup>715</sup> <https://www.iml.org/file.cfm?key=10692>, accessed 7/6/18.

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<http://www.ilga.gov/legislation/billstatus.asp?DocNum=2872&GAID=13&GA=99&DocTypeID=SB&LegID=96191&SessionID=88>, accessed 7/6/18.

<sup>717</sup> <http://my.ilga.gov/Committee/CurrentCommitteeListing?chamber=S>, accessed 7/6/18.

<sup>718</sup> <http://www.ilga.gov/reports/specialreports.asp>, accessed 7/6/18.

<sup>719</sup> <http://www.ilga.gov/commission/jcar/ilrulemakingprocess.pdf>, accessed 7/6/18.

<sup>720</sup> <http://www.ilga.gov/commission/jcar/default.htm>, accessed 7/6/18.

<sup>721</sup> Named after Monroe Flinn, a founding member of JCAR.

<sup>722</sup> [http://www.ilga.gov/commission/jcar/flinn/20180629\\_June%2029,%202018%20-%20Issue%2026.pdf](http://www.ilga.gov/commission/jcar/flinn/20180629_June%2029,%202018%20-%20Issue%2026.pdf), accessed 7/6/18.

<sup>723</sup> <http://www.ilga.gov/commission/jcar/16AnnualReport.pdf>, accessed 7/6/18.

<sup>724</sup> <http://www.ilga.gov/commission/jcar/16AnnualReport.pdf>, accessed 7/6/18.

changes to the rule, object to the rule, allow the agency to start the process over with a sufficiently amended proposal, block the proposed change entirely, or issue no objection, allowing the rule change to take effect.

JCAR also is empowered to review existing rules. According to the Illinois Administrative Procedure Act, the rules of each agency are to be evaluated at least once every five years. JCAR is statutorily required to “develop a schedule for this periodic evaluation. In developing this schedule, the Joint Committee shall group rules by specified areas to assure the evaluation of similar rules at the same time.” There are 14 different categories, including human resources, energy, transportation, public utilities, and government purchasing, into which JCAR is directed to group existing rules under review. Economic and budgetary effects, potential organizational or procedural reforms, merger or abolition of regulations, or the elimination or phasing out of overlapping regulatory jurisdictions are among the things that JCAR considers during the review process.<sup>725</sup> One recent piece of legislation, HB3222, was intended to make the five-year review optional, but that bill died in committee in 2017.<sup>726</sup>

According to one analysis (Falkoff, 2016), JCAR’s powers have grown substantially over the years. Most recently, the general assembly revised the Illinois Administrative Procedures Act in 2004 to give JCAR unilateral authority to block rules. Previously, “JCAR’s suspension authority had assured the committee possessed a powerful, coercive tool to wield against administrative agencies. But the suspension still required general assembly approval within 180 days to become permanent.” After 2004, however, “a JCAR prohibition or suspension of an agency’s rule would become permanent unless the general assembly voted by joint resolution (within six months) to reverse it.” This change also coincided with an increase in the number of blocked rules: “During the twenty-three years that a JCAR veto would become permanent only if backed by a general assembly joint resolution, JCAR delayed or suspended rules only 39 times. During the 10 years when a JCAR veto became permanent unless it was overturned by a joint resolution, the committee issued 54 vetoes” (Falkoff, 2016).<sup>727</sup>

In a battle between former-Gov. Blagojevich and JCAR, the Illinois Supreme Court sidestepped the issue of constitutionality and ruled narrowly on the specific administrative rule in question. During the 2008 impeachment proceedings that led to Blagojevich’s downfall, his action ignoring JCAR “was cited as an abuse of power” (Schwartz, 2010). This seems to establish JCAR’s expanded power over administrative rules. Consistent with this, Illinois’ two subsequent governors appear less willing to challenge JCAR’s expanded authority.

## Oversight Through Advice and Consent

The Illinois legislature also has the ability to block gubernatorial appointments. Every nominee is referred to the Senate Committee on Assignments and may also be considered by the

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<sup>725</sup>

<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=000501000HArt%2E+5&ActID=83&ChapterID=2&SeqStart=2100000&SeqEnd=6400000>, accessed 7/9/18.

<sup>726</sup>

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3222&GAID=14&DocTypeID=HB&LegId=104890&SessionID=91&GA=100>, accessed 7/9/18.

<sup>727</sup> <https://core.ac.uk/download/pdf/132419975.pdf>, accessed 11/19/18.

Executive Appointments Committee or other standing committees.<sup>728</sup> Every nominee is required to appear before that committee for the purposes of considering their qualifications, though these hearings can be waived by the committee chair. The Senate Report for 2017 shows that the majority of nominees are ultimately confirmed.<sup>729</sup> Some gubernatorial nominees, however, are blocked. House Republicans, for example, blocked a former assemblywoman's appointment to the state's Prisoner Review Board on the grounds that the nominee had supported a very narrowly contested income tax increase (WIFR, 2011).<sup>730</sup> In that case, there was a statewide campaign by Republicans to have the nominee blocked, and even a "Republican-driven website urged Illinois residents to sign a petition opposing Gordon's appointment by Gov. Quinn to the prison board. Republicans say the part-time job is a payoff for Gordon's vote on Quinn's state income tax increase"(ABC7 Archive, 2011).<sup>731</sup> The nomination was eventually withdrawn.

The governor of Illinois has the power to promulgate both executive and administrative orders. The former pertains to anything from state contracting, agency fees, disestablishing boards and commissions, creating anti-terrorism task forces, and other subjects. Administrative orders, meanwhile, are more limited and pertain mostly to the internal policies of state organizations. Executive orders are issued rather frequently, with up to 20 being issued in 2009. Administrative orders are less common, and none have been promulgated since 2013.<sup>732</sup> Executive orders are sometimes explicitly used to bypass the will of the legislature. "To get much of what he wants to accomplish, Rauner will need Illinois' Democratic-majority general assembly to pass his initiatives and move legislation to his desk for signing. But being CEO of the state gives the Winnetka Republican broad powers to make some moves on his own. For starters, Rauner has power to cut spending" (Riopell, 2015).<sup>733</sup> Indeed, one of Gov. Rauner's first executive orders upon coming to office was to curtail government spending in response to the state's financial crisis.<sup>734</sup>

With the exception of refusing to spend money, Illinois' governor faces limits on the use of executive orders. First, if the order contradicts a statute, the statute prevails. Second, if the legislature passes legislation contradicting the order, then the new statute supersedes the executive order. However, in order to pass a law to overturn an executive order, the legislature is likely to need a veto-proof majority because the governor could veto the bill if he or she wanted to preserve the executive order (Book of the States, 2014).

Illinois' governor also "has significant authority to reorganize the executive branch" (Haider-Markel, 2008). Article V Section 11 of the Illinois Constitution describes the powers of the executive, including the power to reorganize executive agencies, while 20 ILCS 415/2 provides statutory authority. It states that the "purpose of the Personnel Code is to establish for the government of the State of Illinois a system of personnel administration under the governor."<sup>735</sup> If the reorganization "would contravene a statute, the Executive Order shall be delivered to the general assembly."<sup>736</sup> The legislature then has 60 days to affirm or block the

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<sup>728</sup> <http://www.ilga.gov/senate/100thSenateRules.pdf>, accessed 7/9/18.

<sup>729</sup> <http://www.ilga.gov/reports/static/99thCommittee%20Status%20Report%20-%20Senate.pdf>, accessed 7/9/18.

<sup>730</sup> [http://www.wifr.com/home/headlines/III\\_GOP\\_petitions\\_to\\_block\\_Quinn\\_appointment\\_117993539.html](http://www.wifr.com/home/headlines/III_GOP_petitions_to_block_Quinn_appointment_117993539.html), accessed 7/8/18.

<sup>731</sup> <http://abc7chicago.com/archive/8017697/>, accessed 7/9/18.

<sup>732</sup> <https://www2.illinois.gov/government/executive-orders>, accessed 7/9/18.

<sup>733</sup> <http://www.dailyherald.com/article/20150118/news/150118817/>, accessed 7/9/18.

<sup>734</sup> [https://www2.illinois.gov/Pages/government/execorders/2015\\_8.aspx](https://www2.illinois.gov/Pages/government/execorders/2015_8.aspx), accessed 7/9/18.

<sup>735</sup> <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=236&ChapterID=5>, accessed 7/9/18.

<sup>736</sup> <http://www.ilga.gov/commission/lrb/con5.htm>, accessed 7/9/18.

order. Furthermore, “Every agency created or assigned new functions pursuant to a reorganization shall report to the general assembly not later than six months after the reorganization takes effect and annually thereafter for three years.”<sup>737</sup> The purpose of this report is to provide data on the economic effects and the effects on state government caused by the reorganization. The report is also to “include the agency's recommendations for further legislation relating to reorganization.” Occasionally, agency reorganizations have been blocked by the legislature. In 2017, for example, Gov. Rauner attempted to merge the Illinois Human Rights Commission (HRC) and the Illinois Department of Human Rights (DHR).<sup>738</sup> The Illinois House, however, voted to block the move,<sup>739</sup> arguing that “the people deciding the cases should not be under the authority of those doing the investigations” (Mackey, 2017).<sup>740</sup> Legislators also argued that the governor should have instead come to the general assembly with a bill for consideration, instead of attempting to unilaterally reorganize the agencies.

## Oversight Through Monitoring of State Contracts

Procurement in Illinois is under the jurisdiction of the Chief Procurement Officer (CPO), who “exercises independent procurement authority under the Illinois Procurement Code (30 ILCS 500).”<sup>741</sup> However, “the CPO exercises this authority through independent State Purchasing Officers (SPOs) who report to the CPO.” The Illinois Procurement Code also establishes the Procurement Policy Board (PPB), which “has the authority and responsibility to review, comment upon, and recommend . . . rules and practices governing the procurement, management, control, and disposal of supplies, services, professional and artistic services, construction and real property and capital improvement leases procured by the State” (30 ILCS 500).

The board is comprised of five members, one each appointed by the legislative leaders and one by the governor. The appointee of the governor serves as the chair of the board.<sup>742</sup> No member, however, may be a member of the Legislature.<sup>743</sup> Minutes from PPB meetings indicate that the committee regularly meets to discuss a variety of issues, including property leases, the cost of janitorial services, and potential violations of the IPC. In some cases, the board takes testimony from and asks questions of witnesses.<sup>744</sup> “Upon a three-fifths vote of its members, the board may review a proposal, bid, or contract and issue a recommendation to void a contract or reject a proposal or bid based on any violation of [the IPC] or the existence of a conflict of interest.”<sup>745</sup> Such findings are to be reported to the CPO and the Office of the Executive Inspector General.

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<sup>737</sup> <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=185&ChapterID=4>, accessed 7/9/18.

<sup>738</sup> [https://www2.illinois.gov/Pages/government/execorders/2017\\_2.aspx](https://www2.illinois.gov/Pages/government/execorders/2017_2.aspx), accessed 7/9/18.

<sup>739</sup>

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=422&GAID=14&GA=100&DocTypeID=HR&LegID=107016&SessionID=91>, accessed 7/9/18.

<sup>740</sup> <http://northernpublicradio.org/post/illinois-house-blocks-consolidation-anti-discrimination-judges-and-investigators>, accessed 7/9/18.

<sup>741</sup> <https://www2.illinois.gov/cpo/Pages/default.aspx>, accessed 7/9/18.

<sup>742</sup> <https://www2.illinois.gov/sites/ppb/Pages/default.aspx>, accessed 7/9/18.

<sup>743</sup> <http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=532&ChapterID=7>, accessed 7/9/18.

<sup>744</sup> [https://www2.illinois.gov/sites/ppb/Pages/board\\_minutes.aspx](https://www2.illinois.gov/sites/ppb/Pages/board_minutes.aspx), accessed 7/9/18.

<sup>745</sup> <http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=532&ChapterID=7>, accessed 7/9/18.

In addition to legislative input into the PPB board membership, the LAC does have a small role in monitoring state contracts.<sup>746</sup> It receives quarterly reports itemizing emergency purchases. For example, if a repair to state property would further damage the property given the delays involved with the usual competitive bidding processes, state agencies can purchase needed supplies. But these expenditures must be reported to the PPB and to the auditor general, posted publicly and detailed in a report that is distributed to the LAC. Moreover, if for some reason the lowest bid is not accepted during a competitive bidding process, both the PPB and the LAC must be notified with an explanation for the variance in the bid process. Although these procedures do not provide much opportunity for legislative oversight of the performance of the state contractors, Illinois provides more opportunities for formal input from the legislature than is the case in most. Nonetheless, we stress that this is relative with most state legislatures almost completely excluded from the contracting process.

### Oversight Through Automatic Mechanisms

Illinois has both a sunrise and a sunset mechanism (Baugus and Bose, 2015). The state's sunset laws are classified as both regulatory and selective, meaning that regulatory and licensing boards are regularly reviewed, while only select agencies are reviewed. The sunrise mechanism means that executive agencies that hope to pass new rules and or regulations are required to complete an exhaustive array of impact analyses designed to limit new regulations.

Sunsetting has occasionally become politicized in Illinois. A recent example occurred in the wake of the state's contentious budget battles, which resulted in the imposition of higher property taxes. On June 27, 2018, the Republican house minority leader introduced a bill<sup>747</sup> that would impose a sunset on all property taxes in the state (Lauterbach, 2018).<sup>748</sup> According to the legislator, "[t]he property tax system in Illinois is a failure, and it is time to start over. By setting a firm deadline for the general assembly, it will force the legislature to come together in a bipartisan manner to find a compromise solution that will remedy this crisis and help bring Illinois back. This forces the general assembly and stakeholders to review laws periodically to ensure they are working properly or risk repeal." As of this writing, that bill had not yet received any consideration, and given the large Democratic majorities in both chambers it is not likely to reach the governor's desk. Lawmakers also overrode a gubernatorial amendatory veto that would have eliminated the sunset review for fees intended to fund the state 911 system (WNIJ News, 2017).<sup>749</sup>

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<sup>746</sup> <http://ilga.gov/commission/lac/Annual2017.pdf>, accessed 7/20/18.

<sup>747</sup>

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=5924&GAID=14&DocTypeID=HB&LegID=112992&SessionID=91&SpecSess=&Session=&GA=100>, accessed 7/9/18.

<sup>748</sup> [https://www.ilnews.org/news/state\\_politics/illinois-republican-leader-files-bill-to-repeal-all-illinois-property/article\\_782af3b0-7a54-11e8-9390-f77ec5a6d021.html](https://www.ilnews.org/news/state_politics/illinois-republican-leader-files-bill-to-repeal-all-illinois-property/article_782af3b0-7a54-11e8-9390-f77ec5a6d021.html), accessed 7/9/18.

<sup>749</sup> <http://northernpublicradio.org/post/lawmakers-override-rauners-changes-911-funding-law>, accessed 8/9/18.



## Methods and Limitations

Nine individuals agreed to be interviewed about legislative oversight in Illinois. The Illinois legislature provides only minimal online records of its proceedings. Though the house and senate both livestream legislative sessions and provide transcripts, only the house archives its recordings, and they are only available on DVD for a fee. Overall, the minimal availability of audio and video recordings available to the public limited our ability to assess the state's oversight capabilities. Therefore, we relied heavily on information provided by people we interviewed.

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