

July 7, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly:

In accordance with Article IV, Section 9 (b) of the Illinois Constitution, I return to the House of Representatives House Bill 2145, with this statement of my objections, vetoed in its entirety.

As I stated last week in vetoing Senate Bill 1197, balancing our State's budget will require making tough choices. This legislation I am vetoing today does not make significant cuts in spending, and, as a result, fails to solve Illinois' budget crisis. It does not require the shared sacrifices necessary to achieving a balanced budget that is decent and humane. This spirit of shared sacrifice is especially needed during a time of economic hardship. I am therefore vetoing House Bill 2145 in its entirety because I believe that it is part of a flawed overall approach to budget-making.

House Bill 2145 violates the requirement of Article IV, Section 8(d) of the Illinois Constitution that "appropriation bills shall be limited to the subject of appropriations." ILL. CONST., Article IV, Section 8(d). Appropriations bills cannot contain provisions which purport to change the existing substantive law. *Benjamin v. Devon Bank*, 68 Ill. 2d 142, 148 (1977). Nor may an appropriation bill restrict the use of funds not previously appropriated. *People ex. rel. Kirk v. Lindberg*, 59 Ill. 2d 38, 41-42 (1974). Thus, appropriations bills may not include substantive provisions. *Valstad v. Cipriano*, 357 Ill. App. 3d 905, 920 (2005). Accordingly, appropriation bills may only allocate money for specific purposes. *Bd. of Trustees of Comm. Coll. Dist. No. 508 v. Burris*, 118 Ill. 2d 465, 477-78 (1987).

House Bill 2145 goes beyond setting apart certain amounts of money for specific purposes by attempting to restrict the use of funds not previously appropriated. Specifically, this bill purports to prohibit the expenditure of appropriated funds for "professional and artistic services." Provisions banning the use of funds on professional

and artistic services appear throughout the legislation. These provisions clearly attempt to restrict the use of funds not previously appropriated, and, therefore run afoul of Article IV, Section 8(d) as interpreted by the Illinois Supreme Court in *Kirk*. See *Kirk*, 59 Ill. 2d at 41-42.

Second, House Bill 2145 purports to modify existing statute by prohibiting the transfer of funds between line items. This provision flatly contradicts Section 13.2 of the State Finance Act, 30 ILCS 5/13.2, a statute that specifically authorizes such transfers. In *Benjamin v. Devon Bank*, our Supreme Court held that including language in an appropriation bill that modifies existing statute violates Article IV, Section 8(d). *Benjamin*, 68 Ill. 2d at 148.

Therefore, in accordance with the oath of office in which I swore to support the Constitution of Illinois, required by Article XIII, Section 3 of the Constitution; the Governor's supreme executive authority established by Article V, Section 8 of the Constitution; my duty to faithfully execute the laws as set forth in Article V, Section 8 of the Constitution; and my authority to act upon legislation pursuant to Article IV, Section 9, I hereby expressly disapprove all provisions of House Bill 2145 that contain or relate to subjects other than appropriations.

I am hopeful that through collaboration and cooperation, we can reach a mutually agreeable resolution of our budgetary challenges. My goal remains a fair and comprehensive state budget that serves the fundamental needs of the people of Illinois.

Sincerely,

PAT QUINN
Governor