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News

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Governor: State budget is unconstitutional

By Aaron Chambers, GateHouse News Service
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SPRINGFIELD, Ill. - Gov. Rod Blagojevich said Monday the state's new \$59 billion spending plan, which lawmakers adopted over the weekend, is more than \$2 billion out of balance and therefore unconstitutional.

Blagojevich stopped short of vetoing the budget, and said he would instead call legislative leaders together later this week to "resume work" on the budget, which takes effect July 1 and would expand state spending without generating new revenue.

House Speaker Michael Madigan, D-Chicago, promptly undercut the governor's summit plan by saying he wouldn't attend the meeting. Madigan, Blagojevich's political nemesis, will send a surrogate instead.

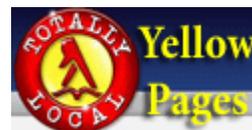
"The speaker, based on his experience, has determined that meetings with this governor are not a productive use of his time," said Madigan spokesman Steve Brown.

Spending needs revenue

At a news conference in Chicago, Blagojevich said he favored a lot of the spending in the new budget. "The problem is they didn't pass any revenue to pay for the spending," he said.

Blagojevich also wants to restart discussion of a new capital construction plan. On Saturday, Madigan engineered defeat of a \$34 billion road and school building plan backed by Blagojevich and the other three legislative leaders.

To balance the \$59 billion operating budget adopted Saturday night, officials must cut spending or raise revenue or both. Democratic leaders crafted the spending plan without Republican input, then rammed it through the Legislature over GOP objections. After May 31, lawmakers cannot modify their spending plan or approve a



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new one without a three-fifths majority of support - and that requires Republican votes. Before midnight Saturday, they needed only a simple majority.

"This all could have been averted by a common-sense approach to fiscal restraint back in the beginning," said Senate Minority Leader Frank Watson, R-Greenville. "But now, it's out of control."

Summertime session

House Minority Leader Tom Cross, R-Oswego, said the success of the governor's summit depends on "how far Rod wants to push it, and how far the Legislature wants to go."

Blagojevich could "go nuclear and veto the entire budget," prompting a contentious summertime session like the one last year, Cross said while visiting Rockford.

Watson and Cross plan to attend the governor's summit. Senate President Emil Jones Jr., D-Chicago, could not be reached for comment but also is expected to attend. Jones is the governor's chief ally.

Charles Wheeler, director of the Public Affairs Reporting Program at the University of Illinois at Springfield, said he couldn't recall another instance in which lawmakers deliberately and publicly approved an unbalanced budget, as they did on Saturday.

However, he noted it's been years since Illinois has had a "balanced budget" in the sense that it's paying all its bills.

The state carried an average of \$1.5 billion in unpaid medical bills over from one fiscal year to the next since fiscal 2005, a recent audit found.

"In practice, we're always spending more than we have money to pay for. But this is probably the most blatant acknowledgment of that fact," said Wheeler.

Arturo Perez, a budget analyst with the National Conference of State Legislatures, said that while it's common for states to resist their budgets after implementing them to account for revenue changes, it's unusual for a Legislature to approve an unbalanced budget.

The Illinois Constitution prohibits lawmakers from appropriating more spending for a fiscal year than they expect the state to gain in revenue during that year.

Madigan said it's up to Blagojevich, using his veto power, to cut spending if he has a problem with it.

Legislature's responsibility

Dawn Clark Netsch, a Northwestern University law professor, said it's the Legislature's responsibility to do its "absolute double-best" to approve a budget that's actually balanced, just as the governor must begin the spring session by introducing a balanced plan for that budget.

"It's an important moral imperative," said Netsch, who was vice chair of the committee which drafted the "balanced budget" mandate at the 1970 convention.

"But I don't think you could ever go to court and get a court to say, 'OK Legislature,

you did not appropriate in accordance with the Constitution.' And do what? Send them all to jail? Hold them in contempt?"

- Chuck Sweeny contributed to this report. Aaron Chambers can be reached at 217-782-2959 or achambers@rrstar.com.

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pitfalls wrote on Jun 4, 2008 3:24 PM:

" They're all unconstitutional but i bet they get their raise squeaked through including blago. "

looking on wrote on Jun 3, 2008 11:21 PM:

" What did the gov. do last year when the legislature sent him a balanced budget? Oh, let's see---he cut the initiative from every legislator that did not bow and cowl to his whims, and then tried to use the money for his pet project, a feather in my hat deal. I think I might "inflate" the budget too and let him do some more personal hacking". Just looking on. "

Citizen wrote on Jun 3, 2008 6:06 PM:

" This state is becoming a laughing stock of the entire country. The Democrats control the House, Senate, and Governor's Office and this is the result? We have an election in November. Will anyone remember? I doubt it. "

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