



Opinion

Lisa Madigan's motion two weeks ago that would end state employee paychecks as of Feb. 28 was intended to light a fire under Gov. Bruce Rauner and the Illinois General Assembly to get a state budget in place and avoid a government shutdown.

Instead, it's sent all sides into overdrive to find creative ways to avoid both a shutdown and the inconvenience of passing the state's first real budget in 19 months.

Only in Illinois politics could the effort to prolong the greatest fiscal crisis in state history take precedence over efforts to end it. Yet that's what we've got today.

Madigan's motion seeks to overturn a St. Clair County circuit **judge's order from July 2015** that said state employees had to be paid even without authorization from a state budget because failure to do so would put the state in violation of labor contracts it signed with **thousands of employees**. **Judge Robert LeChien's** order said the contractual obligations to state workers superseded the Illinois Constitution's appropriations clause, which says the state can't spend public funds without authorization from the Illinois General Assembly.

For decades, the threat of a government shutdown has been sufficient motivation for even the most bitterly divided governors and legislatures to get a budget signed into law before **state offices closed and disaster struck**. LeChien's order relieved Rauner and his Democratic rivals from that threat.

Competing bills in the Illinois House seek to either make state employee pay exempt from **the Illinois Constitution's appropriations clause permanently or at least until the end of the current fiscal year on June 30**. In a video message posted to Twitter Thursday, Rauner advocated a [Republican-sponsored bill](#) in the Illinois House that would make **state employee paychecks a continuing appropriation, exempt from the constitution's budget clause**. Lawmakers already enjoy this exemption.



“There’s only one solution that makes sense: give state employees the same rights as the Speaker, rank-and-file legislators and the Attorney General herself. Give state

employees permanent, continuing appropriation for their pay just like legislators gave **themselves,” Rauner says in the video.**

Actually, the solution that makes more sense is passing a true budget. Rauner never mentions that in his Twitter message.

Rauner portrays a Democrat-sponsored bill in the House to extend state worker pay through June 30 as a political ploy by House Speaker Michael Madigan to shut down government.

“Speaker Madigan will try to sell his June 30th government shut down proposal as a solution in case his daughter wins in court. But don’t be fooled,” Rauner says. “It’s not a solution — it’s a crisis showdown set for June 30th when the Speaker will use the leverage of a forced shut down to finally get the massive tax hike he recommended in December 2015.”

Unfortunately for human services providers who also held contracts with the state, **LeChien’s order pertained only to the contracts of state employees. Thus we’ve seen** countless agencies that provide services for the sick, elderly and disabled cut back on programming, lay off staff and, in some cases, shut down.

That would be remedied under a [new lawsuit by 37 human services providers](#) that seeks to compel the state to honor its contracts with them. It says the stopgap spending plan **adopted last June in lieu of a balanced budget violated the state constitution’s prohibition on passing any “law impairing the obligation of contracts.”**

The suit, filed by the Pay Now Illinois coalition of service providers, says the state **“has** unlawfully reduced or capped the liability of the State to plaintiffs on the contracts for services in fiscal year 2017—contracts that had been agreed to in writing or orally before (the stopgap plan) **was adopted on June 30, 2016.”**

“Precedent has been set with the ruling in St. Clair County that required state workers be paid; we feel our constitutional claims are as strong, or possibly stronger,” Pay Now Illinois Chair Andrea Durbin said. **“We are hoping for the same success so that we can get paid** what is owed us, and we can be certain of getting paid in the future. After all, why should state workers be paid, but not state contractors? The state must provide assurance that **it is a responsible business partner.”**

Pay Now Illinois says its case is stronger than that of the original AFSCME lawsuit from 2015 that is being contested by the attorney general.

“Our suit is based on contracts, and addresses specific issues related to those contracts, for example, such as our access to the remedy prescribed by state law (the Court of Claims), is blocked because the Court of Claims requires prior appropriation. We believe that our suit differs in significant ways, and actually gives us an even stronger legal **justification to be paid,”** said Andrea Durbin, chairwoman of Pay Illinois Now and CEO of Illinois Collaboration on Youth, one of the plaintiffs.

This is Pay Now Illinois’ second suit against the state seeking payment on overdue bills. The first, filed in May 2016, is now on appeal before the Appellate Court of the First District of Illinois.

A victory for Madigan in the AFSCME case would mean state government reverts to the tried-and-true method of following the state constitution and authorizing spending via a balanced state budget.

Rauner is doing his best to **portray Lisa Madigan’s action as an effort to shut down Illinois** government and hand a victory to her father. But the option Rauner now endorses — making all state pay to employees automatic, without oversight from our

representatives in Springfield — makes a mockery of the [state constitution's budget section](#).

Putting the state payroll on autopilot for another four-and-a-half months or into perpetuity is not an option anyone should be discussing in Springfield today.

We've seen what happens when state government runs on auto-pilot, without a plan to either control costs or bring in money to cover them. Illinois taxpayers now have \$11 billion in back bills to show for it, not to mention a damaged higher education system and a weakened social service safety net evidenced in the Pay Now Illinois lawsuit. To all of them, the government shutdown happened a long time ago.

NOTE: This post was updated and corrected on Feb. 11 to reflect that the Pay Now Illinois lawsuit will not be affected by the outcome of the attorney general's motion in St. Clair County Circuit Court.

<https://rebootillinois.com/2017/02/09/illinois-politics-cant-get-more-bizarre-than-in-reactions-to-lisa-madigans-lawsuit/>