ICCTA *ACTION ALERT*

December 2007

2007 YEAR-END UPDATE

Gov. Blagojevich has called another special legislative session of the Illinois General Assembly to begin on January 2, 2008. For the past several weeks, there were indications that the Governor might call lawmakers back to Springfield for a special session before Christmas to address mass transit funding in the Chicago area. The Illinois House had already scheduled a regular session for the week before Christmas, but the Speaker cancelled the session. The Illinois Senate was not scheduled to convene.

The next regularly scheduled time for lawmakers to return to Springfield is January 9 and 10, 2008. However, many observers predict that not much activity will occur before the February 5 primary elections take place. Beginning January 1, a simple majority of the voting membership is required to approve most legislation, down from the current requirement for a 3/5 majority vote to pass bills. Because of the lesser voting requirement beginning January 1, controversial issues become easier to pass – partially because Republicans in each chamber are the minority parties and are no longer able to prevent passage of bills without their votes.

If the General Assembly does not return to Springfield before the end of the year, December will become the first month in 2007 that a session was not convened. According to the General Assembly web site, the Illinois House of Representatives records show that in calendar year 2007, that chamber was involved in legislative activity for 289 session days. By comparison, in calendar year 2006 the House reported legislative activity for 67 legislative session days. (It should be noted that it is possible for more than one session day to occur on a single calendar day when special sessions are called.)

PENDING LEGISLATIVE ISSUES

Currently there are complicated negotiations occurring in state government, primarily focused on the major issues of: 1) mass transit funding in the Chicago area; 2) a statewide capital building program; and 3) gaming expansion to fund issues #1 and #2. In addition, the current year budget has not yet been fully resolved even as the state passes through the halfway point in its fiscal year. All of these issues are tied together in a way that will require agreements with all parties on all issues to be reached at the same time in order to gain approval on any of the issues.

State law requires the Governor to submit his FY 2009 budget to the General Assembly in mid-February, even while talks continue in efforts to resolve outstanding issues from the current year budget. Community colleges sustained a $3 million (or 1%) reduction in state funding below last year's funding level after the Governor vetoed funds from the state budget. ICCTA, the Presidents Council and other community college supporters will be seeking new funding initiatives in the FY 09 state budget cycle.

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PENDING LAWSUITS

While talks continue regarding a variety of major issues, several lawsuits of interest have been filed:

- Last week the Illinois Jobs Coalition filed a lawsuit against the Blagojevich administration in Sangamon County and Cook County for implementing a health insurance program without statutory authority required under the Illinois Constitution to create such a program. The suit says that the Governor vetoed nearly a half a billion dollars from the state budget, which he now seeks to spend to initiate a universal state-paid health insurance program. The General Assembly did not approve creation of a new health insurance program, nor did it appropriate funds for the program. Cook County Court will be the venue for the lawsuit.

- A lawsuit that the Governor filed against the Speaker of the House last fall in Sangamon County Circuit Court continues to generate attention. Gov. Blagojevich filed the lawsuit alleging that Speaker Michael Madigan did not convene Special Sessions at the specific time that the Governor scheduled. The Governor had called a special session for a specific Saturday at 4:00 pm; Speaker Madigan convened the Special Session on that Saturday but at 10:00 am. The lawsuit claims that the Governor may set the time and date for the General Assembly to meet -- not just the date.

- Another Blagojevich-initiated lawsuit (filed against the Clerk of the Illinois House for allegedly following the directions of the Speaker of the House) recently was dismissed by a Sangamon County judge.

- The Illinois Community College Trustees Association continues to coordinate a lawsuit brought by 35 community college districts against the Illinois Executive Inspector General's office. The suit argued that community college districts are units of local government and therefore are not covered under the jurisdiction of the Illinois Executive Inspector General's Office for purposes of the State Ethics Act. The Illinois Executive Inspector General's office had been enforcing an Attorney General's opinion that community college districts and its employees are to be considered state employees for purposes of the Ethics Act.

  This past fall a DuPage County Court ruled in favor of the community colleges. The DuPage opinion prohibits any Illinois Executive Inspector General jurisdiction over those community colleges listed as plaintiffs and considers community college districts to be units of local government subject to the local government provisions of the Ethics Act. The Illinois Executive Inspector General has appealed the DuPage ruling to the 2nd Appellate Court. A decision from the Appellate Court on the issue of a "stay" of the DuPage County Court ruling could come at anytime. A decision regarding the ruling of the DuPage County Court will likely take many months to reach.

** For additional updates, call ICCTA at 1-800-454-2282 **