

January 29, 2014 Wednesday

**Constitutional clash;**

**Public-sector unions sue Quinn over pension reform**

By Dave McKinney

Springfield bureau chief

SPRINGFIELD - Trying to trump Gov. Pat Quinn's State of the State address, a bloc of public-sector unions announced Tuesday they have sued the governor and other state officeholders in a long-expected bid to have last month's pension-reform law declared unconstitutional.

"Our suit makes clear that pension theft is not only unfair, it's clearly unconstitutional," said Michael Carrigan, president of the Illinois AFL-CIO, in a statement. "Teachers, nurses, emergency responders and other workers and retirees will not stand by while politicians try to take away their life savings illegally."

The suit, involving the AFL-CIO, Illinois Education Association, Illinois Federations of Teachers, AFSCME Council 31, SEIU Local 73 and other unions, was filed in Sangamon County, where thousands of current and past government workers live. The 25 named plaintiffs are current and retired state workers, Downstate and suburban teachers and university employees who belong to those and other unions.

The group alleges the pension law that proponents said would ease the state's $100 billion pension crisis violates the pension clause of the state Constitution, which says public pensions can't be diminished or impaired.

The named defendants in the lawsuit include Quinn; Treasurer Dan Rutherford, a GOP gubernatorial candidate; Comptroller Judy Baar Topinka and the state's retirement systems.

"Plaintiffs bring this action to correct the abdication by the governor and General Assembly of the state of Illinois . . . of their most fundamental duty - to uphold the Illinois Constitution," the suit said.

The timing of the lawsuit comes the day before the State of the State address that Quinn will deliver Wednesday. The filing appears aimed at trumping that speech in which the governor is expected to tout what arguably is his crowning legislative victory during his five years in office.

In a statement, Quinn spokeswoman Brooke Anderson said: "These lawsuits come as no surprise. We believe it's constitutional, and we'll defend the interests of taxpayers."

"This landmark law was urgently needed to resolve the state's $100 billion pension crisis, which was created over 70 years of financial mismanagement."

By contrast, Rutherford is not a believer in the law that passed the House and Senate and that Quinn enacted into law. In a brief interview Tuesday, the treasurer said he believes it's unconstitutional and that pension reform of any sort should be negotiated with the unions.

"We anticipated this latest lawsuit by the We Are One Illinois coalition regarding the new pension law," Rutherford said in a statement. "We will now wait and see how the Supreme Court rules."

The filing is the latest setback for the pension law, which scaled back automatic, compounding 3 percent cost-of-living increases for retirees and raised retirement ages.