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OFFICERS:
Authority of Legislative
Council

Honorable Frank M. Ozinga
State Senator
State of Illinois
Chairman, Legislative Council
Room 313 Capitol Building
Springfield, Illinois 62706

Dear Senator Ozinga:

This responds to your request for an opinion as to whether the service unit of the Legislative Council is authorized to print reports to constituents at the request of the individual legislators. These reports are published on a weekly, monthly or quarterly basis and are printed by the service unit. Usually the charge is limited to the cost of paper. Some of the reports contain requests for campaign and other political contributions.

The Legislative Council was established by "AN ACT to create a Legislative Council, etc." (Ill. Rev. Stat. 1973,

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ch. 63, pars. 33 et seq.) An administrative agency must find the source of its authority in the statute creating it and can only exercise the power conferred in conformity with the statute. The People v. Richeimer, 298 Ill. 611.

The general duties of the Council are set forth in section 2 (Ill. Rev. Stat. 1973, ch. 63, par. 34) as follows:

"§ 2. The council shall collect information concerning the government and general welfare of the State, examine the effects of constitutional provisions and previously enacted statutes, consider important issues of public policy and questions of state-wide interest, and perform research and provide information as may be requested by the members of the General Assembly or as the council considers necessary or desirable."

Its particular duties in regard to the legislative service unit are set forth in section 2.01 (Ill. Rev. Stat. 1973, ch. 63, par. 34.01) as follows:

"§ 2.01. The council shall operate a legislative service unit to provide services to legislative committees and commissions and other State agencies. The council may make and collect reasonable charges for such services and shall pay any amounts so collected into the General Revenue Fund in the State Treasury."

Section 2.01 authorizes the Legislative Council service unit to provide services only to committees, commissions and other State agencies, not to individual legislators. Furthermore, the broad duties of the Council do not include providing information to constituents. The Council is to collect

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information for the benefit of the General Assembly.

I, therefore, am of the opinion that the printing of such reports for individual legislators is not authorized. This is only an opinion as to the authority of the service unit of the Legislative Council and not an expression of an opinion as to the desirability of such reports.

Additionally, I must point out that to the extent such reports contain requests for campaign contributions or promote partisan political causes, there would be an unconstitutional use of public funds and property in violation of section 1(a) of article VIII of the Illinois Constitution of 1970 which provides that: "Public funds, property or credit shall be used only for public purposes". The cost of such reports is not being fully reimbursed by the legislators. This does not mean, however, that even if such costs were being fully reimbursed that such use of public property would be constitutional. I am not advising on that question.

Very truly yours,

A T T O R N E Y G E N E R A L