

CHAPTER NINE: THE ILLINOIS LEGISLATIVE PROCESS

By Beth Bennett

The legislative process in Illinois is conducted by the General Assembly in two-year cycles. The first year, or the odd-numbered year, is devoted to a broad spectrum of issues known as substantive legislation. The second year, or the even-numbered year, is primarily devoted to legislation dealing with the administration and funding of state government. The following is an overview of the Illinois legislative process and the task of lawmaking in Illinois, followed by a two-year cycle outline.

Bill Cycle

Each bill must be sponsored by a member of the General Assembly. The sponsor must submit the proposal to the Legislative Reference Bureau, which drafts and formats the bill in preparation for its introduction. There are three types of legislation: (1) “Appropriation bills” provide annual funding for the operation of state agencies; (2) “Revisory bills” are used to keep the statutes up-to-date and grammatically correct. They are often called “clean-up” bills and make no substantive changes to existing law; and (3) Substantive bills make changes to current law or propose new laws. A substantive bill may also repeal a currently existing law.

The Illinois Constitution requires that each bill be read by title a minimum of three times and on three separate days in each chamber of the General Assembly prior to passage. The reading stages, known as first, second and third reading, are intended to provide adequate notice prior to the passage of a new law, change in a current law, or repeal of an existing law.

A bill is read for the “first time” when it is originally introduced. Bills that are introduced in the House of Representatives are read into the record for the first time by the clerk of the House. Bills that are introduced in the Senate are read into the record for the first time by the secretary of the Senate. Following the “first” reading bills are sent to the “committee on assignment” of bills.

The committee on the assignment of bills determines which “standing” committee will consider the bill. Standing committees deal with specific subjects, such as education, transportation and local government. Standing committees meet during the legislative session. Their meetings are open to the public. Meetings may be closed if two-thirds of the members of the House or Senate determine that closure is in the public interest.

Legislative committees must give prior notice of all meetings. House and Senate committees have the power to subpoena witnesses and records. Legislative Committees are also empowered to take testimony under oath. The use of subpoenas by the General Assembly is, however, rare.

Each committee is required to report to the full floor of either house how a bill was voted out of committee. There are three possible committee votes: (1) A “do pass” vote indicates the bill was passed by the committee in its original form; (2) A “do pass as amended” vote indicates that the bill was passed by the committee with one or more amendments that were adopted by the committee; and (3) A “do not pass” vote indicates that the bill was voted down by the committee and will receive no further consideration.

If a bill passes out of committee, it is reported to the floor of either house, and is then read for a second time. In addition to the committee amendments, amendments to bills can also be proposed on either floor of the General Assembly.

These amendments are called “floor amendments” and are voted on during the “second reading” of the bill. Amendments must be relevant to the subject matter of the bill in order for it to be adopted. House rules require that all amendments be printed and distributed to all members on the floor before they can be voted upon. Senate rules require that all amendments be printed and distributed to members on the floor one day before they can be moved to third reading.

Once a bill is passed to the third reading stage, it is debated for a final time before a vote is taken. Bills cannot be amended once they have reached third reading. The bill can, however, be moved with the consent of the body back to the order of second reading for the purpose of adding an amendment. The bill can then be returned to third reading. The Illinois constitution requires that a roll call of all members present and voting be taken when a bill is voted on third reading

A bill must have a constitutional majority of the members of each house in order to pass. In the Senate, 30 votes are required for passage and 60 votes are required for passage in the House. In certain instances, a three-fifths vote of 36 in the Senate and 71 in the House are needed for passage.

After a bill passes the first house, it goes to the second house, where the secretary of the Senate or the clerk of the House informs members that the bill has passed the first house. Once a bill is assigned a sponsor in the second house, it is officially read into the record for the first time and assigned to a committee.

Each bill is again subject to committee scrutiny, reading stages, amendments, and final vote. If a bill makes its way through the second house without any amendments, it is sent directly to the governor for consideration. If amendments were adopted in the second house, the bill must be returned to the house of origin for approval of the changes.

The “concurrence” of a bill occurs when it is returned to the house of origin for consideration of new amendments. If the house of origin refuses to “concur” or “agree” with the changes, the bill is sent back to the second house where the decision to “recede” or back away from the change must be considered.

If the second chamber refuses to recede from its amendment to the bill, a conference committee is then established. A conference committee, made up of members from both houses, is charged with resolving the differences over the bill. Once the differences have been resolved, the conference committee submits a report to both chambers for approval. After both chambers have approved the report, the bill is passed and sent to the governor.

Once a bill has passed both houses, it must be sent to the governor within 30 days after its passage. After reviewing the bill, the governor either signs the bill into law, or vetoes the bill. The governor then returns the bill with a veto message to the house in which it originated. If the governor does not act on a bill within 60 days after it is sent to him, the bill automatically becomes law.

Veto Options

The Illinois constitution gives the governor four veto options explained as follows:

Total Veto: A bill is totally vetoed when the governor objects to the entire bill and returns it with a statement of objection to the General Assembly. The house of origin then has 15 days to vote to “override” the governor’s veto and pass the bill over the governor’s objections. Once the bill has passed the first house, the second house has an additional 15 days to reconsider it. If the

bill receives a three-fifths vote in both houses, it becomes law. Should the bill fail to receive a three-fifths majority in either house, it is dead.

Amendatory Veto: An amendatory veto is issued when the governor disagrees with certain provisions of a bill. The amendatory veto message contains specific recommendations for change in the legislation. The constitution provides that an amendatory veto may be accepted by a majority vote of the members of each house. An override of the amendatory veto requires a three-fifths vote.

Line Item and Reduction Veto: The line item and reduction vetoes are used when the governor wishes to cut out or reduce a part of an appropriation bill. A line item deletes an entire line contained in an appropriation bill. The amounts not altered in an appropriation bill become law immediately upon issuance by the governor of an item or reduction veto. The votes needed to restore the amounts subject to the item or reduction veto differ. A line item veto is handled in the same manner as a total veto. A three-fifths majority in each house is needed to restore the line item. A constitutional majority of each house is needed to override a reduction veto.

Effective Dates: The effective date of a law is different from the day it becomes a law. One of the following are the final steps necessary for a bill to become a law: the governor signing the bill; the failure of the governor to sign the bill within 60 days; the override of a veto; or certification by the governor that a bill conforms to the recommendations of an amendatory veto. A bill has been enacted and becomes a “public act” after any one of these things has happened. The public act is then filed with the secretary of state and is assigned a number. The Illinois Constitution dictates the effective date of law. It provides that a law passed before midnight on June 30 without an effective date in the text shall take effect on January 1 of the next year. A bill

that contains an effective date goes into effect earlier if the bill so indicates. Many bills contain effective dates that declare them effective immediately upon becoming a law. When a bill is passed after June 30, the constitution provides that the bill may not take effect until July 1 of the following year. The only exception for a post-June 30 passage is if the bill contains an earlier effective date and was passed by a three-fifths vote of each house. The effective date of a bill that has received an amendatory veto depends on when the bill was passed. If the General Assembly accepts the amendatory veto, the bill is “passed” for effective-date purposes on the day the changes are accepted by the second house of the legislature. If this is after June 30, and the recommended changes are accepted by a majority of the members elected in each house, the effective date of the bill is July 1 of the next year. The bill may become effective before that date if the recommended changes are accepted by a three-fifths majority of the members elected in each chamber. If the General Assembly votes down the governor's recommended changes to a bill, it is handled by the General Assembly in the same manner as if it were a totally vetoed bill. If the legislature votes to override the veto, the bill is enacted in its original version as passed before midnight June 30. The original passage date determines the effective date of the bill.

Special Session

In addition to the regular sessions of the General Assembly, there are provisions for “special sessions.” A special session may be called either by proclamation of the governor or a joint proclamation of the president of the Senate and the speaker of the House. The proclamation must give a specific reason for the special session. With the exception of confirmation of

appointments or impeachments, only those matters cited in the proclamation may be deliberated during the special session.

State constitutional amendments are initiated by the General Assembly. The amendment is first introduced as a joint resolution of the House or Senate. It is handled the same as a bill. A constitutional amendment must, however, be approved by a three-fifths vote of the members of each chamber. A constitutional amendment is not sent to the governor. Instead, it is placed on the ballot at the next general election. The general election must be at least six months after the passage of the joint resolution. An amendment is adopted after it has been approved by three-fifths of the electors voting on the amendment, or by a majority of those voting in the election. No more than three constitutional amendments may be considered in one election.

The Press and the Legislature

Both chambers of the Illinois General Assembly have reserved floor space for the media. From the “press boxes,” the members of the media report on the daily activity in both houses.

The capitol press corps is formally known as the Illinois Legislative Correspondent Association (ILCA). The association is made up of newspaper, radio, television and wire service correspondents assigned to cover Illinois state government. The press corps is “housed” by the General Assembly in the area known as the “press room,” which is located on the mezzanine level of the state capitol.

The press corps is managed by a press secretary who supervises the press room facility and schedules use of the press conference room. In addition to floor activity, the capitol press corps covers committee and commission hearings, as well as press conferences.

Both House and Senate rules prohibit media access to the floor while in session. During these periods, the media must remain in the press boxes located on the floor or confined to sections of the gallery allocated for cameras and sound equipment.

Each of the legislative leaders has a press office. The press staff assists legislators in preparing press releases and constituent mailings.

Reference: Richard Lockhart, Social Engineering, Inc.

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