

LEGISLATIVE UPDATE

Veto Session: A Primer



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Every fall, the Illinois General Assembly convenes in Veto Session, an abbreviated session of six days scheduled in October and November, with the exact dates depending upon whether it is an election year. While the purpose of the veto session is to allow legislators to act on any vetoes made by the Governor over the summer, lawmakers also use this time in Springfield to address pressing and complex legislation in addition to vetoed bills. This year, the legislature will convene in veto session October 28, 29 and 30, and November 12, 13 and 14, 2019.

As a refresher, the Governor has the authority to take different actions on the bills that arrive on his desk for consideration. He can sign the bill into law, which is what happens with the vast majority of bills enacted by the House and Senate. He can also veto bills, and his veto authority includes three options: 1) he can veto a bill in full; 2) he can offer an amendatory veto, or suggest specific changes to the bill that if accepted by the General Assembly would result in passage of the measure, or 3) for budget or appropriation bills he can offer a reduction or line item veto.

Legislators in turn have the ability to respond to vetoes from the Governor. The principal sponsor of a vetoed measure can file a motion to override the veto, and consideration of the veto begins in the house of origin. If the motion to override receives the number of votes needed, the bill will take effect "notwithstanding the Governor's veto." A three-fifths majority, or 71 votes in the House and 36 votes in the Senate are needed to override a total veto. In the case of an amendatory veto,

the sponsor can file a motion to accept the veto and the changes required by the Governor, or can file a motion to override the amendatory veto. While a 3/5ths majority is also required to override an amendatory veto, a simple majority, or 60 votes in the House and 30 votes in the Senate, is all that is needed to accept the Governor's changes. The sponsor of a bill that has been vetoed can also opt to do nothing, in which case the total veto stands and the bill dies.

The number of vetoes to be dealt with each fall is relatively few, which is why just six session days are typically dedicated to that purpose. In the current 101th General Assembly, legislators will take up just eight veto actions this fall. Governor JB Pritzker vetoed seven bills and offered one amendatory veto. Former governor Bruce Rauner vetoed a significant number of bills during his first two years in office, but only used his authority to veto fourteen bills during previous 100th General Assembly.

As those familiar with Springfield know, vetoes are not the only thing on the agenda during veto session. These six days are the first opportunity for lawmakers to address any issues that were not dealt with in the spring, or issues that have emerged over the summer. Veto sessions held in election years often see the most activity. During these "lame duck" veto sessions, controversial bills can benefit from the votes of legislators who either chose not to run for reelection or were defeated by a challenger. Without a voting record to protect, lame duck legislators may be persuaded to grant a parting favor to their legislative colleagues.

After a very active legislative session this spring, legislators need to tie up loose ends on several fronts, including a technical trailer bill for the cannabis legalization act, and items related to legalized sports betting. The General Assembly will also look at ways to address the recent surge in fatalities related to e-cigarettes or vaping, and a bill to allow college athletes to be compensated for endorsements.

The issue of greatest interest to IAFPD this veto session is the work product of the Governors' Pension Consolidation Feasibility Taskforce and Pension Asset Value and Transfer Taskforce. Governor Pritzker released the report and recommendations on October 10, 2019 with a statement that he hoped the General Assembly would take legislative action to consolidate the assets of the 600-plus downstate police and fire pensions during the veto session. Whether a task of that magnitude could be completed in six days is uncertain, but it certainly follows the pattern of legislators taking up controversial topics during the annual veto session. ■

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