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SPRINGFIELD

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FILE NO. S-1148

**LEGISLATIVE BRANCH:**  
**Consideration of Vetoes Bills**  
**During a Special Session Called**  
**by the Governor**

Honorable Cecil A. Partee  
President  
Illinois State Senate  
Springfield, Illinois 62706

Dear Mr. Partee:

I have your letter wherein you ask the following questions:

1. Is the Secretary of State required to return all vetoed bills to the house of origin at the Special Session called by the Governor commencing September 8?
2. If the Secretary must return all vetoed bills, must the Legislature act upon such bills within the time limits set in Article IV, Section 9(c) or may such bills be retained by the body of origin for action at the veto session which convenes on November 17, 1976?

Honorable Cecil A. Partee - 2.

It is my opinion that the Secretary of State is neither required nor authorized to return all vetoed bills at the Special Session. The Secretary is only required and authorized to return those bills that come within the limited subject matter stated in the Governor's Special Session Proclamation.

During a Special Session the General Assembly may only consider legislation that pertains to the purpose of the Special Session as stated in the Governor's Proclamation. Section 5(b) of article IV of the 1970 Constitution reads as follows:

"(b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law." (emphasis added.)

In opinion No. S-548 (1972 Ill. Att'y. Gen. Op. 294), I advised that during a Special Session the General Assembly may consider bills introduced in the Regular Session

Honorable Cecil A. Partee - 3.

only when they relate to the subject matter of the Governor's Proclamation. I stated in that opinion that:

"\* \* \* [L]egislation introduced in a Regular Session of the General Assembly may be considered by a Special Session of the same General Assembly, so long as it comes within the limited subject matter of the Special Session Proclamation.  
\* \* \*

Section 9(b) of article IV of the Illinois Constitution of 1970 requires the Secretary of State to return vetoed bills "to the originating house promptly upon the next meeting of the same General Assembly at which the bill can be considered". (emphasis added.) Because only bills which relate to the subject matter of the Special Session Proclamation can be considered during a Special Session, the Secretary of State is only required to return vetoed bills which come within the stated purpose of the Special Session. Only those bills can be considered.

This conclusion is confirmed by the explanation of section 9(b) given by the Style, Drafting and Submission Committee of the 1970 Constitutional Convention as to the reason the phrase "at which the bill can be considered" was

Honorable Cecil A. Partee - 4.

added to section 9(b). The Committee's Proposal Number 10 reads in pertinent part as follows (VI Record of Proceedings 1554):

" \* \* \*

These words have been added to cover the four types of 'next meeting' of the same General Assembly:

- (a) The next regular session;
- (b) An adjourned meeting of the same regular session;
- (c) A special session called by joint proclamation of the legislative leaders; and
- (d) A special session called by the Governor.

The returned bill can always be considered at (a) and (b); can be considered at (c) if the legislative leaders so provide; and at (d) if the Governor so provides.

\* \* \*

It is clear from the Committee's explanation that during a Special Session called by the Governor, the General Assembly has power to consider only vetoed bills or other bills that come within the subject matter of the Governor's Proclamation.

The answer to your second question is, as stated above, that the Secretary of State is required and authorized to return only those bills within the subject matter of the Special Session.

Very truly yours,

A T T O R N E Y   G E N E R A L