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Stanley M. Johnston

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THE LEGISLATIVE PROCESS UNDER THE 1970 CONSTITUTION

by STANLEY M. JOHNSTON*

INTRODUCTION

Although the size and structure of the General Assembly and the basic stream of the legislative process remain much the same, there have been numerous changes affecting the legislative function as a result of the adoption of the 1970 Constitution. Perhaps the changes with the greatest impact pertain to the annual session and special session provisions. The power to call special sessions, formerly a prerogative of the Governor,¹ has been extended to the leadership of the General Assembly as well.² In addition, provision is now included for special sessions of the Senate alone.³ Moreover, annual sessions of the General Assembly, which were developing in the last few years prior to the new constitution, are mandatory under the 1970 Constitution.⁴ These changes hastened the growth of a "continuous assembly."

The most novel change to the legislative process provided by the 1970 Constitution was the introduction of the amendatory veto concept to Illinois.⁵ This process has been instrumental in resolving minor differences arising between the General Assembly and the Governor regarding the substance of a bill.

Examination of these provisions and other constitutional changes to the legislative process is the purpose of this article. First, the birth and impact of the continuous assembly will be analyzed. Second, the revision of bills by veto will be discussed with special emphasis on the amendatory veto procedure. And last, a synopsis of other changes affecting the legislative process will be provided. Only through this examination can the problem now confronting both legislators and attorneys—coping with the new legislative process—be fully appreciated.

* J.D., The John Marshall Law School, 1966. Mr. Johnston is a senior bill drafter in the Legislative Reference Bureau, Springfield, Illinois, and has been employed by that department since 1968.

1. ILL. CONST. art. V, § 8 (1870).
2. ILL. CONST. art. IV, § 5(b) (1970).
3. *Id.*
4. ILL. CONST. art. IV, § 5(a) (1970).
5. ILL. CONST. art. IV, § 9(e) (1970).

THE CONTINUOUS ASSEMBLY

Annual Sessions

The 1870 Constitution provided that "sessions of the General Assembly shall commence at twelve o'clock noon on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof"⁶ Succeeding General Assemblies religiously followed the 1870 Constitution and subsequently adjourned *sine die* on or before the first June 30 of their respective biennia. As a result, the legislature was not a continuous assembly. In fact it was normally in session only six months every other year. But the Seventy-fifth (1967-1968 biennium) and the Seventy-sixth (1969-1970 biennium) General Assemblies broke this pattern by reconvening briefly on several occasions after the first six months of their respective biennia. The Constitutional Convention recognized this developing trend toward extended legislative sessions, resulting in the new provision that the General Assembly shall convene annually.⁷

Section 5(a) of article IV of the new constitution specifies that the "General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected." This was surely not intended to mean that its members could never adjourn, but the Seventy-eighth General Assembly was in session at some time in 17 of its first 20 months. During the months in which it was not in session it left stacks of bills on the Governor's desk for action. Bills passed by the legislature are required to be presented to the Governor within 30 calendar days after passage, and he is then allowed 60 calendar days in which to act.⁸ This means that the legislative process is continuing up to 90 days after the adjournment of the legis-

6. ILL. CONST. art. IV, § 9 (1870).

7. ILL. CONST. art. IV, § 5(a) (1970) provides:

The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.

8. ILL. CONST. art. IV, § 9 (1970), which in relevant part provides:

(a) Every bill passed by the General Assembly shall be presented to the Governor within 30 calendar days after its passage. The foregoing requirement shall be judicially enforceable. If the Governor approves the bill, he shall sign it and it shall become law.

(b) If the Governor does not approve the bill, he shall veto it by returning it with his objections to the house in which it originated. Any bill not so returned by the Governor within 60 calendar days after it is presented to him shall become law. If recess or adjournment of the General Assembly prevents the return of a bill, the bill and the Governor's objections shall be filed with the Secretary of State within such 60 calendar days. The Secretary of State shall return the bill and objections to the originating house promptly upon the next meeting of the same General Assembly at which the bill can be considered.

lature. This is in contrast to the pre-1968 condition in which the legislatures concluded their actions in the first half of the biennium and the statutory law settled down for a year and a half of predictability between sessions.

This enormous expansion of the time of legislative sessions arising from the mandate for annual sessions under the new constitution has a number of important ramifications. First is its impact on the membership of the General Assembly. The part-time legislator of the six-months-every-other-year General Assembly is hard pressed to find time for the increasing demands of his office. Consequently, the legislature is moving in the direction of a full-time commitment with appropriate adjustments in salary to enable its members to live with that commitment.

Second, the recurring sessions contribute to increased interaction between the Governor and the General Assembly. When the legislature adjourned *sine die* after the first six months of its term, the Governor's vetoes were almost never overridden because the General Assembly was usually not in session at the time the veto was made. Now, not only is an override rendered feasible by the recurring sessions, but it is also made easier by the reduction of the majority required for that purpose from two-thirds to three-fifths.⁹ Third, the continuing legislature makes the amendatory veto process, which will be discussed later in this article, an effective reconciliatory device.

Finally, an important ramification pertains to the publication of revisions of the statutes. With the statutes subject to change at almost any time, and in fact subjected to change on a regular basis throughout the term of the General Assembly, it is impossible to find a period of time long enough between sessions to produce an updated version of the *Illinois Revised Statutes* before additional changes are made. The 1973 edition came with a supplement to incorporate the last two acts of the 1973 Regular Session and the acts of the 1973 special sessions. Even the supplement was quickly rendered deficient by the enactment of Public Acts 78-953 and 78-954 which were rushed through in the 1974 session by February 15. In this state of affairs, it is increasingly difficult for anyone to be assured that he has in fact consulted the current version of any statute governing a course of action he proposes to undertake or counsel he is being asked to provide.

9. ILL. CONST. art. IV, § 9(c) (1970) provides:

The house to which a bill is returned shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry that house by a record vote of three-fifths of the members elected passes the bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery the second house by a record vote of three-fifths of the members elected passes the bill, it shall become law.

Special Sessions

The 1970 Constitution also changed the provisions pertaining to special sessions. The 1870 Constitution provided that the "Governor may, on extraordinary occasions, convene the General Assembly. . . .", but this power was used sparingly in the century under that constitution,¹⁰ being exercised to convene the General Assembly so that urgent business could be considered. The 1970 Constitution gives the power to convene special sessions to the legislative leadership as well as to the Governor.¹¹ This power under the 1970 Constitution has been exercised more for the purpose of controlling the scope of the legislature's deliberations than for the purpose of convening the legislature when it would not otherwise have been in session. The result of these two changes provided by the 1970 Constitution has been the effective creation of a continuous assembly.¹²

10. ILL. CONST. art. V, § 8 (1870).

11. ILL. CONST. art. IV, § 5(b) (1970) provides:

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.

12. The Seventy-seventh General Assembly met for a spring session from January 6 through June 30 and a fall session from October 5 through November 13 in 1971. Another long session followed from January 12 through June 30 in 1972, the first even-numbered year regular session under the new constitution. The regular session was then adjourned to November 26 of the same year. During this period of adjournment, the Governor exercised his power to call a special session of the General Assembly to consider revenue sharing matters. He scheduled that special session to begin November 26, the same day the General Assembly was already scheduled to reconvene. Thus, the regular session and the special session ran more or less concurrently through December 17.

The current General Assembly, the Seventy-eighth, stepped up the pace. Its first regular session began January 10, 1973 and continued past the customary deadline of midnight on June 30 to adjourn on July 2. The fall session began on October 15 and ran through December 1. No fewer than five special sessions were called to coincide with meeting dates already scheduled in the fall session. Four were adjourned at the end of the fall session on December 1, but the first special session was continued to run along with the regular session of 1973. Two of these special sessions were called by the Governor and three by the President of the Senate and the Speaker of the House of Representatives acting under subsection (b) of section 5 of article IV of the new constitution. All five of these special sessions were used for the purpose of focusing the attention of the General Assembly on some particular subject matter rather than for the purpose of convening the scattered legislators. By the time all five special sessions were accounted for, the scope of the legislature's consideration was broad indeed, encompassing ethics in government, the regulation of campaign practices and finances, the establishment of a State Board of Elections, sales tax relief, the state lottery, the Regional Transportation Authority and other transportation matters, drug abuse control programs, appropriations for debt service on school construction bonds, the date for the Governor's submission of his budget to the General Assembly, changes relating to the certification of school administrators, consolidation of certain elections, transfer of functions relating to the new office of State Comptroller, correcting technical errors

Section 5(b) of article IV of the 1970 Constitution authorizes the Governor to call a special session of the Senate alone, but not the House alone. Logic suggests that this was intended to enable the Governor to convene the Senate to act on the confirmation of appointments, but it is not limited to that purpose by the constitution. The Governor exercised this power to convene a special session of the Senate alone on July 13, 1974 for the limited purpose for it to consider receding from Senate Amendment No. 10 to House Bill 2303.¹³ The Senate did recede from that amendment in that special session, the first of its kind.

REVISION OF BILLS BY VETO

The Amendatory Veto

The amendatory veto is an idea new to Illinois. Only four other states allow amendatory vetoes: Alabama,¹⁴ Massachusetts,¹⁵ New Jersey,¹⁶ and Virginia.¹⁷ Although these states share this concept with Illinois, the procedures vary, thus offering little direction for interpretation of the Illinois provision. Section 9(e) of article IV of the 1970 Constitution provides:

The Governor may return a bill together with specific recommendations for change to the house in which it originated. The bill shall be considered in the same manner as a vetoed bill but the specific recommendations may be accepted by a record vote of a majority of the members elected to each house. Such bill shall be presented again to the Governor and if he certifies that such acceptance conforms to his specific recommendations, the bill shall become law. If he does not so certify, he shall return it as a vetoed bill to the house in which it originated.

This procedure has been used vigorously by Governors Ogilvie and Walker, proving to be a useful method for reconciling minor differences between the General Assembly and the Governor. In 1971, 34 bills became law by the amendatory veto process, 16 in 1972, and 31 in 1973. In each of these years, only a

in a bill already enacted, tax relief for senior citizens and disabled persons, reduced transit fares for children and the aged, county election costs, and residence requirements for the Chicago Board of Education.

The 1974 regular session of the Seventy-eighth General Assembly ran from January 9, past June 30 again, to July 12 and adjourned leaving an important appropriation bill unpassed. The Senate made numerous amendments to the measure, a House bill, and returned it to the House and adjourned before the House considered the Senate amendments. The House refused to concur in one of the amendments and then it too adjourned. The Governor then called a special session of the Senate alone on July 13 for them to further consider the bill. Note 13 *infra* & accompanying text.

13. S. JOUR. ILL., 78th Gen. Assembly, 1st Spec. Sess. 1(1974).

14. ALA. CONST. art. 5, § 125.

15. MASS. CONST. amend. art. LVI, § 186.

16. N.J. CONST. art. 5, § 1.

17. VA. CONST. art. V, § 6.

half dozen or so bills for which the Governor proposed changes by this process were rejected by the legislature and thus failed to become law.

The amendatory veto has been used to provide a wide variety of changes: to resolve conflicts between two bills passed at the same session, to correct an inadvertant omission in a bill, to defer salary increases because a Federal wage-price freeze was imposed between the time of its passage and the time of the Governor's action, and to change the agency charged with the administration of the Act. However, this procedure has created two problems which have been only partially resolved. First is the question of when a bill is "passed" which in turn controls the effective date of the law. The second problem pertains to the scope of the Governor's authority under section 9(e) of article IV in making specific recommendations for change to a bill.

Date of Passage

A bill subjected to the amendatory veto process could arguably be considered passed on one of two dates. Date of passage could be the date on which a bill was passed by both houses of the General Assembly and initially presented to the Governor for his approval. Alternatively, date of passage could be the date on which the Governor's recommended changes to a bill are accepted by majority vote in both houses and returned to him for certification.

The Supreme Court of Illinois resolved the question in *People ex rel. Klinger v. Howlett*.¹⁸ The case involved Senate Bills 1195, 1196 and 1197 which were passed by both houses of the Seventy-seventh General Assembly and were subsequently returned by the Governor with specific recommendations for change. Relying on the definition of "passage" in *Board of Education v. Morgan*,¹⁹ a 1925 case in which the Illinois Supreme Court did not face the complex options offered by the 1970 Constitution, the court held that the date of passage is the date on which the legislature votes to approve the Governor's specific recommendations for change pursuant to the authority of section 9(e) of article IV of the 1970 Constitution.²⁰ Bills not subject to the amendatory veto process are "passed" on the date of the last legislative act prior to presentation to the Governor. The court reasoned that:

Any other definition of the word "passed" which fixed an earlier time would require this court to rule that the bills were passed

18. 50 Ill. 2d 242, 278 N.E.2d 84 (1972).

19. 316 Ill. 143, 147 N.E. 34 (1925).

20. 50 Ill. 2d 242, 248, 278 N.E.2d 84, 87.

before the legislature ever considered them in their final form, indeed before they were written. Nothing in the constitution of 1970 suggested that the word "passed" was used in such an artificial and abnormal sense.²¹

With this question resolved, we should examine its impact on the effective date of laws. The constitution encourages the conclusion of the principal legislative sessions on June 30 by requiring an extraordinary majority (three-fifths) for enacting legislation to take effect immediately in the last half of the calendar year.²² But since the Governor is allowed sixty days for the consideration of bills,²³ most of the consideration of bills subjected to amendatory vetoes will occur in the last half of the calendar year. As a result, and although the *Klinger* holding seems correct, part of the purpose of the amendatory veto process is defeated. The problem with the definition of "passage" adopted by the court is that it requires acceptance of the Governor's recommendations for change be made, in many cases, by a three-fifths vote in order to take effect at the time intended by the legislature. This result is clearly at odds with the plain language of the amendatory veto provisions and the concept of reconciling differences between the Governor and the General Assembly by a simple majority (the three-fifths requirement is the majority required to override the Governor's recommendations). That the amendatory veto procedure is frustrated in part by *Klinger* is illustrated by this exchange from the debates of the Constitutional Convention:

Mr. Knuppel: Of course, you have limited it to specific. Now, one other question—or two other questions. Do you really believe that this is so clear that no doubt could exist that only a majority vote is required and then of each house?

Mr. Orlando: Well, Mr. Knuppel, if you are referring to the amendment that you have submitted there to make it express, the intention is that a majority of both houses is required rather than three-fifths under the new formula, and I would not have any objection.²⁴

The General Assembly responded to the *Klinger* case by enacting Public Act 78-85 which added section 3 to "An Act in rela-

21. *Id.*

22. ILL. CONST. art. IV, § 10 (1970) provides:

The General Assembly shall provide by law for a uniform effective date for laws passed prior to July 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to July 1. A bill passed after June 30 shall not become effective prior to July 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date.

23. Note 8 *supra*.

24. REC. OF PROCEEDINGS, SIXTH ILL. CONSTITUTIONAL CONVENTION *Verbatim Transcripts*, vol. III at 1357 (1969-70).

tion to the effective date of laws." This section reads as follows:

For purposes of determining the effective dates of laws, a bill is "passed" at the time of its final legislative action prior to presentation to the Governor pursuant to paragraph (a) of Article IV of the Constitution.²⁵

This Act, however, has encountered resistance. One Illinois appellate court followed the rule set forth in *Klinger* when it was required to determine the effective date of Public Act 78-939 in *People v. Zayas*.²⁶ The court's opinion makes no reference to the attempt of the legislature to redefine "passage" in Public Act 78-85. Also, when the question of the effective date of the capital punishment bill, Public Act 78-921, was presented to the Attorney General, his opinion considered Public Act 78-85, but concluded that "passage" as defined in that Act must include the acceptance of the Governor's recommendations for change because any other conclusion would be unconstitutional under the *Klinger* case.²⁷

Scope of the Governor's Authority

"The Governor may return a bill together with specific recommendations for change. . . ."²⁸ What is the scope of the Governor's authority for recommending changes to a bill? Is the Governor limited to making merely technical changes, or are substantive recommendations allowable? As the *Klinger* court properly noted, neither the constitutional language nor the committee reports or convention debates provide much assistance in defining the scope of the Governor's authority.²⁹

In *Klinger*, the Governor's recommendations for change required the amendment of the title of the bill and the deletion of the entire text after the enacting clause with the substitution of an entirely new bill. Although this was not the controlling issue in the case, the court concluded, by way of dictum, that the substitution of entirely new bills was not authorized by the constitution. The court has thus provided one limitation to the scope of the Governor's authority, but the lingering uncertainty

25. ILL. REV. STAT. ch. 131, § 3 (1973).

26. 17 Ill. App. 3d 390, 308 N.E.2d 147 (1974).

27. ILL. OP. ATT'Y GEN., S-725 (March 21, 1974). For a statement of the weight which should be given to Attorney General's opinions, see 70 ILL. OP. ATT'Y GEN. at x (1971), which provides:

8. All opinions of the Attorney General are advisory only and are not binding on the State of Illinois or the courts of this State.

9. For a particularly difficult and important problem of law, officials should resort to a declaratory judgment action wherever possible.

28. ILL. CONST. art. IV, § 9(e) (1970).

29. 50 Ill. 2d 242, 248, 278 N.E.2d 84, 87-88.

as to the parameters of his authority is evidenced by this passage from the opinion:

Our examination of the records of the Convention shows that the following terms were used to describe the kinds of 'specific recommendations for change' that were contemplated: 'corrections'; 'precise correction'; 'technical flaws'; 'simple deletion'; 'to clean up the language'. In response to the following question put by Delegate Netsch, however, "Then was it the Committee's thought that the conditional veto would be available only to correct technical errors?" a committee member answered, 'No, Ma'am'.

Upon the basis of the imprecise text of the constitutional provision and the materials before us in this case, we cannot now attempt to delineate the exact kinds of changes that fall within the power of the Governor to make specific recommendations for change. It can be said with certainty, however, that the substitution of complete new bills, as attempted in the present case, is not authorized by the constitution.³⁰

Defeat of a Constitutional Amendment

These two problems arising from the implementation of the amendatory veto process in Illinois have not been satisfactorily resolved. Although the Supreme Court of Illinois did resolve the date of passage dilemma presented in *Klinger*, further complications, as discussed above, remain. However, the question of the scope of the Governor's authority in suggesting recommendations for change to a bill is not only undefined, but is also perplexing. The constitutional language expressing the Governor's authority is both vague and unworkable. Moreover, the court in *Klinger*, by way of dictum, merely placed an upper limit on an otherwise unstructured definition of this authority. Consequently, this second problem obstructs the effective utilization of the amendatory veto process.

An attempt was made by the legislature to clarify the constitutional language and at the same time further restrict the Governor's authority. A proposed constitutional amendment was placed before the electorate at the general election on November 5, 1974. The amendment to section 9(e) of article IV would have limited the specific recommendations for change which the Governor could make to a bill to "the correction of technical errors or matters of form." This amendment, however, was not approved by the electorate (see the Appendix for the majority required for the approval of a constitutional amendment). Even if the amendment had been approved, it would have only transferred the argument concerning the Governor's authority from

30. *Id.* at 249, 278 N.E.2d at 88.

how sweeping his recommendations for change can be to how extensive "technical errors or matters of form" may be. Although the amendatory veto concept was a creative addition to Illinois' legislative process, clarification is needed for it to reach its full potential in effectiveness.

Item and Reduction Vetoes

Section 9(d) of article IV provides two special veto procedures applicable to appropriation bills. The item veto remains approximately the same as it was under the 1870 Constitution except that the majority required to restore a vetoed item has been reduced from two-thirds to three-fifths. The Governor may also reduce the amount of any item of appropriations in a bill, but the amount reduced may be restored to the original amount by the vote of a majority of the members of each house.³¹

In Senate Bill 698 of the Seventy-eighth General Assembly an appropriation was made to the Illinois Junior College Board as follows:

For distribution as flat rate grants for instructional programs to junior college districts maintaining a recognized junior college at the uniform rate of \$18.50 per semester hour equivalent carried through each mid-term by students who are residents of this State \$63,825,000.

The Governor's reduction veto exercised under the authority of section 9(d) of article IV of the constitution purported to reduce the amount of \$63,825,000 to \$59,697,900, a legitimate use of the reduction veto. It also proposed, under the same authority, to reduce the flat grant rate from \$18.50 per semester hour to \$17.61 per semester hour.³² The Attorney General concluded that the flat grant rate was not an item of appropriations and therefore its reduction was not possible under the reduction veto process, that the attempt to reduce the rate in that manner did not constitute the submission of specific recommendations for change under the amendatory veto provisions, and that the bill became law with the amount, but not the rate, being reduced.³³ Therefore, reduction of the flat grant rate requires reliance on the amendatory veto procedure which was designed to effect a change of this nature, limiting the reduction veto process to the reduction of amounts appropriated.

31. The corresponding provision in the 1870 Constitution is section 16 of article V.

32. S. JOUR. ILL., vol. III at 3363-64 (1973).

33. ILL. OP. ATT'Y GEN., 5-630 (October 11, 1973).

ADDITIONAL CONSTITUTIONAL CHANGES IN
THE LEGISLATIVE PROCESS

Requirements for an Extraordinary Majority

There are several changes in the requirements for an extraordinary majority under the 1970 Constitution. The direction of these changes suggests something of the spirit of the new constitution in that it is now more difficult for the legislature to close its sessions to the public and for a minority to frustrate the will of the majority with respect to vetoes. A table in the Appendix lists the voting requirements provided by both the 1870 and 1970 constitutions.

The Transcription of Debates

Each house is now required to keep a transcript of its debates and to make the transcripts available to the public.³⁴ Accordingly, debates in both houses of the General Assembly have been recorded since the beginning of the Seventy-eighth General Assembly. Public Act 78-1137, approved August 26, 1974, provides for the transcripts of those recordings to be filed with the Secretary of State as a public record. As a result of this procedure, transcripts will offer a new source of evidence of legislative intent to aid in the interpretation of statutes.

The transcription of debates is apparently leading to the demise of the long-standing legislative custom of stopping the clock before midnight on June 30. Resort to this custom permitted the legislature to conclude business prior to the onset of the extraordinary majority requirements as to the effective date of bills passed after June 30. Now, because of the recordation of debates, the extraordinary majority requirement of section 10, article IV is not so easily circumvented since the public record will show at what time the business was conducted. This probably contributed to the extension of the two most recent spring sessions beyond June 30 so that all business could be finished. The impact of this new requirement is diminished, however, by the reduction of the majority required from two-thirds to three-fifths to give a bill, passed after June 30, an effective date of law before the next July 1.

Special Legislation

Section 22 of article IV of the 1870 Constitution began "The General Assembly shall not pass local or special laws in any of

34. ILL. CONST. art. IV, § 7(b) (1970) provides:

Each house shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public.

the following enumerated cases” and proceeded to set forth a long “laundry list” of matters in which special legislation was prohibited, concluding with “in all other cases where a general law can be made applicable, no special law shall be enacted.” Section 13 of article IV of the 1970 Constitution covers special legislation in these words:

The General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.

Although the “laundry list” is omitted, the substance of the provision is the same. Therefore, the criteria established under the 1870 Constitution will be applied with the court making the final determination as to whether an act violates the restrictions against special legislation. In *People ex rel. East Side Levee and Sanitary District v. Madison County Levee and Sanitary District*, the court emphasized its role in making this determination:

As we recently pointed out in *Bridgewater v. Hotz* (1972), 51 Ill. 2d 103, and in *Grace v. Howlett* (1972), 51 Ill. 2d 478, the criteria developed under the earlier constitution for determining whether a law is local or special are still valid, but the deference previously accorded the legislative judgment whether a general law could be made applicable has been largely eliminated by the addition in Section 13 of the provision that this ‘shall be a matter for judicial determination.’³⁵

The court applied these criteria to prohibit special legislation pertaining to a certain sanitary district, even though sanitary districts were among the municipal corporations to which the prohibition against local or special legislation in the 1870 Constitution was held inapplicable.³⁶

Other Drafting Considerations

The 1970 Constitution set forth the following drafting requirements:

Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.

A bill expressly amending a law shall set forth completely the sections amended. . . .³⁷

A comparison of this provision with the corresponding 1870 constitutional provision shows that the one subject rule has been retained, but with the stated exceptions.³⁸ Revisory bills are

35. 54 Ill. 2d 442, 447, 298 N.E.2d 177, 179-80 (1973).

36. *Id.*

37. ILL. CONST. art. IV, § 8(d) (1970).

38. ILL. CONST. art. IV, § 13 (1870).

utilized to consolidate all sections amended more than once in the preceding year into a single bill, several pages long, simplifying the handling of this routine project by the legislature. The prohibition against amendment by reference without setting forth the section amended was retained by the new constitution. In contrast to the 1870 provision, the subject of an act is no longer required to be expressed in the title which reduces the emphasis on long "table of contents" titles.³⁹ An additional change provided by the 1970 Constitution is that the emergency clause for imposing an immediate effective date is no longer required. The text of an act now needs only to recite the date on which it is to take effect without setting forth any grounds or reasons.⁴⁰

Appropriation bills are now limited to the subject of appropriations. Although "appropriation bill" is not defined, this provision has led to the abandonment of the procedure of tacking an appropriation for the costs of a certain project or commission, for example, onto the bill establishing or authorizing it. These related appropriations are reserved to separate bills.

Amending the Legislative Article

One of the new provisions of the 1970 Constitution is contained in section 3 of article XIV. Recognizing the natural conflict of interest which might inhibit legislators from proposing needed changes in the structure of the legislature or in the legislative process, the new constitution provides that amendments to the legislative article may be proposed by a petition signed by a number of electors equal in number to at least eight percent of the total votes cast for gubernatorial candidates in the preceding election. One attempt has already been made to propose an amendment under this provision. The proposed amendment would have terminated cumulative voting for members of the House of Representatives and would have had the representatives elected from single member districts. However, the sponsors of the proposal failed to secure enough signatures by the deadline for filing.

Proposals for amendments of the legislative article which have been introduced in the General Assembly reflect some of the problems about which legislators are particularly concerned.⁴¹ As discussed previously, one of these proposals,

39. For a discussion of the one subject rule and title requirements under the 1870 and 1970 constitutions, see Comment, *State Statutes: The One Subject Rule under the 1970 Constitution*, 6 J. MAR. J. 359 (1973).

40. Note 22 *supra*.

41. Some of these proposed amendments would provide for single member House districts (H.R.J. Res.-C.A. 31 78th Gen. Assembly), eliminate cumulative voting (H.R.J. Res.-C.A. 29 78th Gen. Assembly), abolish the House and constitute the Senate as a unicameral legislature (S.J.

pertaining to the amendatory veto procedure, was not approved by the electorate.⁴²

CONCLUSION: COPING WITH THE INCREASED WORK LOAD

The acceleration of change in the statutory law is keeping pace with the changes in all areas of our lives, leading to the condition described by Alvin Toffler as "future shock."⁴³ The pace of this change may be illustrated by the events in the history of House Bill 2485. The Seventy-seventh General Assembly passed this bill and sent it to the Governor. The bill provided for preferential placement of incumbents' names on primary ballots for the office of representative or senator in the General Assembly. The Governor vetoed House Bill 2485 on December 10, 1971. The General Assembly overrode the veto on January 13, 1972, and the bill became law as Public Act 77-1804. Then on January 14, 1972, the United States District Court held the Act to be unconstitutional.⁴⁴ This synopsis points out how rapidly the status of a bill or a law can change.

Not only is the rate of statutory change increasing, but the volume of change is increasing as well. The *Illinois Revised Statutes* now include almost six million words. The volume of words included in sections added or amended in a biennium is now in the order of one-third. During the term of each General Assembly hundreds of sections are amended by more than one Act, thus creating problems of interpretation during the period before a revisory bill consolidating the multiple forms of each section is enacted and published.

The General Assembly has taken many steps to help its members effectively adjust to its constantly increasing work load. Each house divides its membership into numerous committees which conduct an intensive study of bills in special areas. In addition, the two houses combine to create joint commissions to consider specific areas of legislative interest. These committees and commissions are now afforded increased support by the employment of staff members having professional education and experience in their respective special areas of responsibility.

Res. 14 78th Gen. Assembly; H.R.J. Res.-C.A. 9 77th Gen. Assembly), limit or eliminate the amendatory veto (H.R.J. Res.-C.A. 7 78th Gen. Assembly; S.J. Res. 56, S.J. Res. 66, H.R.J. Res.-C.A. 10, H.R.J. Res.-C.A. 11 77th Gen. Assembly), limit the scope of legislative business in even-numbered years (S.J. Res. 60, H.R.J. Res.-C.A. 1 78th Gen. Assembly; S.J. Res. 78 77th Gen. Assembly), limit the scope of legislative business after June 30 in any year (S.J. Res. 82 78th Gen. Assembly), and limit the length of the session in even-numbered years (S.J. Res. 80 78th Gen. Assembly).

42. See pages --- *supra*.

43. ALVIN TOFFLER, *FUTURE SHOCK* (1970).

44. *Netsch v. Lewis*, 344 F. Supp. 1280 (1972).

Another step taken to cope with the work load is the increasing use of modern technology. The Senate has installed an electronic voting system similar in operation to the system which has been in use in the House for several years. The Legislative Information System has developed and installed a computerized bill status system which can supply the inquirer with up-to-the-minute information as to the status of bills anywhere in the legislative process. The computer is also being used to help the Legislative Reference Bureau deal with the increasing volume of bill drafting and is now being extended to the enrolling and engrossing operations of both houses.

However, perhaps the impact of the pace and volume of statutory change hits hardest on the practicing attorney, but attorneys have been confronted with this problem for many years. In *The final accounting in the Estate of A.B.*,⁴⁵ the New York Surrogate in 1866 was faced with the problem of a claim filed against the estate of an attorney who had given his client, a widow, advice upon which she relied in settling her husband's estate. After the settlement the client-widow discovered that the lawyer's advice had failed to take into consideration a change made in the statutes by the legislature in the preceding year. She suffered a substantial loss for this reason. The court permitted the client-widow to recover from the estate of the lawyer. The opinion discussed the responsibility of the lawyer to stay alert to legislative changes in this passage with its still familiar final line:

In the present case, it is impossible to impute to the testator, the legal adviser, a want of knowledge, or of skill in his profession, in the ordinary acceptation of such a phrase. All who knew him could testify to his long and honorable career of laborious duty, continued through forty years of successful practice at the bar. The error arose from want of diligent watchfulness in respect to legislative changes. He did not remember that it might be necessary to look at the statutes of the year before. Perhaps he had forgotten the saying, that 'no man's life, liberty or property are safe while the Legislature is in session'.⁴⁶

It is no longer sufficient to look at the statutes of the year before. From this perspective it seems unlikely that the bound volumes of statutes will ever be completely current again. The lawyer who wishes to assure his professional reputation must remember that the statutes are subject to almost constant change and must take pains to see that his counsel is given with due consideration to the most recent enactments of the legislative process.

45. 1 Tucker 247 (N.Y. Surr. 1866).

46. *Id.* at 249.

APPENDIX

VOTING REQUIREMENTS FOR LEGISLATIVE ACTION

	Majority Requirements		Constitutional Provision	
	1870	1970	1870	1970
Action by General Assembly (or electors if indicated)				
Close sessions to public	majority	2/3	Art. IV, § 10.	Art. IV, § 5(c).
Overriding a veto	2/3	3/5	Art. V, § 16.	Art. IV, § 9(c).
Restoration of vetoed item	2/3	3/5	Art. V, § 16.	Art. IV, § 9(d).
Restoration of amount reduced by reduction veto		majority		Art. IV, § 9(d).
Acceptance of amendatory veto		majority		Art. IV, § 9(e).
Provide immediate effective date for bill passed in last half of year	2/3	3/5	Art. IV, § 13.	Art. IV, § 10.
Expulsion of a member	2/3	unchanged	Art. IV, § 9.	Art. IV, § 6(d).
Impeachment	majority	unchanged	Art. IV, § 24.	Art. IV, § 14.
Conviction upon impeachment	2/3	unchanged	Art. IV, § 24.	Art. IV, § 14.

Appointment of Auditor General		3/5		Art. VIII, § 3 (a).
Incurrence of State debt	majority of members and majority of votes cast for members at general election	3/5 of members or majority of electors voting on question	Art. IV, § 18.	Art. IX, § 9 (b).
Deny or limit power to tax or other power of home rule unit not performed by State		3/5		Art. VII, § 6 (g).
Limit amount of debt which home rule counties or municipalities may incur		majority		Art. VII, § 6 (j).
Submission of proposition to electors to call a con- stitutional convention	2/3	3/5	Art. XIV, § 1.	Art. XIV, § 1.
Electors approval of the calling of a convention	majority of those voting at election	majority of those vot- ing at election or 3/5 of those voting on question	Art. XIV, § 1.	Art. XIV, § 1.
Submission of constitu- tional amendment to electorate	2/3	3/5	Art. XIV, § 2.	Art. XIV, § 2.
Approval of constitu- tional amendment by electorate	majority of those voting at election or 2/3 of those voting on question	majority of those vot- ing at election or 3/5 of those voting on question	Art. XIV, § 2.	Art. XIV, § 2 (b).

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