In most states, it doesn’t take long for a bill passed by the legislature to be acted on by the governor. The governors of Iowa, Minnesota and North Dakota have only three days to veto a measure once they’ve received it, and in most other state constitutions, the time frame for gubernatorial action is between five and 10 days.

But in Illinois, weeks can, and often do, go by between legislative passage and the governor’s signing or veto of legislation.

“There is lobbying that goes on with the governor’s office for sure,” Rep. Elaine Nekritz says of the waiting period. “The three governors I have served with have taken their time in evaluating and signing the bills. I believe all three took full advantage of the 60-day time frame.”

No state comes close to the 60-day window allotted to Illinois’ governors, but this unique constitutional provision is consistent with the “extraordinary veto power” granted to the executive branch, says former Illinois state senator Rick Winkel.

“[There is] greater responsibility that requires careful analysis before a decision is made to sign or veto a bill, especially in regard to amendatory vetoes, since they are an intrusion into the legislative process,” says Winkel, who now serves as the director of the Office of Public Leadership at the University of Illinois’ Institute of Government and Public Affairs.

The amendatory veto allows the governor to essentially “rewrite” legislation and send it back to the General Assembly. This summer, for example, Gov. Bruce Rauner used this power to make changes to legislation modifying the state’s criminal penalties for the possession of small amounts of marijuana.

Illinois, too, is one of only a handful of U.S. states that extends the governor’s item-veto authority (rejecting individual portions of a bill) to all legislation, not just appropriations bills. But the strong veto powers of the governor are only one of the reasons that the longer, 60-day time frame has become an accepted practice in Illinois. Another factor, Winkel says, is the sheer volume of measures passed by the Illinois General Assembly in a given year. And most of these bills are sent to the governor’s office at around the same time — the end of spring session.

“The governor’s staff, the governor’s Office of Management and Budget, and agency managers face the task of reviewing the thousand or so bills passed by the legislature,” he explains.

That extra time, then, allows for a careful review to make sure legislative procedures were followed and that each bill meets constitutional muster. Theoretically, Winkel says, a governor could use the 60 days as leverage in negotiations with the legislature over pending or future legislation. But in practice, Nekritz says, that has not been the case.

“In my experience, the long time frame has had little or no impact on the balance of power between the legislature and the governor,” she says. “Most of the bills pass in May, the General Assembly takes the full 30 days it has to send bills to the governor’s desk, and we are out of session by that time.”

The ‘reduction’ veto adds to powers

The 60-day window for the Illinois governor was established as part of a broader overhaul of the state’s Constitution in 1970, when executive authority, especially through changes in the veto power, was enhanced significantly.
Along with the power to amend legislation and line-item veto all bills, Illinois governors were given the ability to reduce the amount of money in appropriations bills. (This is known as the “reduction veto,” and it can be overridden by a simple legislative majority.)

But the constitutional changes of 1970 also altered the balance of power between Illinois’ executive and legislative branches in ways that favor the latter. For example, the number of votes needed to override a veto fell from two-thirds to three-fifths. (In most Midwestern states, a two-thirds vote is required.)

In addition, the Illinois Constitution requires the General Assembly to meet in fall session. In his book “Illinois Politics: A Citizen’s Guide,” Winkel notes that the intent of this fall session was to ensure that lawmakers had the chance to override vetoes. But over time, it has come to mean much more.

“The legislature often takes up not only vetoes, but also postponed or new legislative initiatives during the fall session,” he writes. “It gives legislators another bite at the apple and affects their strategy with regard to matters that might be too hot to handle during the spring session, especially in even-numbered election years — items such as tax increases and pay raises.”

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