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December 27, 1972

FILE NO. S-548

CONSTITUTION:  
General Assembly  
Special Sessions

Honorable Clyde L. Choate  
Minority Leader  
Illinois House of Representatives  
State House  
Springfield, Illinois

Dear Representative Choate:

By your letter of December 20, 1972, you have requested my opinion as to the following specific questions:

"1. Is a Special Session a continuation of the same body in that (a) the rules of the Houses and the joint rules continue in effect, (b) the officers of the Houses carry over, and (c) a reorganization of the Houses is not necessary for a Special Session?"

"2. Is the Special Session a continuation of the same body in that Special Session Journals need not be separately printed, but may be a distinct portion of the Regular Journals of the two Houses?"

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"3. Can a Special Session act on bills previously acted upon or introduced and pending in the regular session, if (a) their subjects are within the call of the Special Session, or (b) if the call of the Special Session specifically recites pending legislation?"

In my judgment, a Special Session is a limited session of the same continuous body, in consequence of which (a) the rules of the Houses and the joint rules continue in effect, (b) the officers of the Houses carry over, and (c) a reorganization of the Houses is not necessary for a Special Session. Accordingly the answer to your first question is in the affirmative.

In addition, I have concluded that Special Session Journals need not be separately printed, unless so required by rule or statute, but may be printed as a distinct portion of the Regular Journals of the Houses. Thus, your second question is answered in the affirmative.

Finally, my conclusion is that a Special Session may act on pending bills previously acted upon or introduced and pending in the regular session, so long as in compliance with the passage requirements, if (a) their subjects are within the call of the Special Session, or (b) if the call of the Special

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Session specifically recites pending legislation. Thus, by way of example, a bill read twice in the Second House during the preceding 'regular' session may be passed upon third reading occurring in the Special Session. Accordingly, my answer to your third question is likewise an affirmative one.

Section 5(a) of Article IV of the Illinois Constitution of 1970, while providing a mandate that the General Assembly is a continuous body during the term for which members of the House of Representatives are elected, does not require that it remain in continuous session. (6th Ill. Const. Con., Committee Proposals, Vol. 6, p. 1365-1368.) Hence, the need existed to provide for Special Sessions, where the General Assembly has recessed or adjourned sine die. Id., p. 1367.

The General Assembly, although a continuous body for the two-year House term, thus has the flexibility to adjourn or recess as it deems necessary. (6th Ill. Const. Con., Verbatim Transcripts, Vol. 4, p. 2838.) The Constitution provides no time limit or date for the conclusion of a regular session. Id. p. 2838.

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Thus, the Constitution encourages an orderly and efficient legislative process by permitting the distribution of legislative work over the entire two-year existence of the General Assembly. Within this framework, it would appear illogical to require complete reorganization of the General Assembly for any Special Session called during its existence.

Subsections (b) and (d), Section 6 of Article IV of the Illinois Constitution of 1970 prescribe the basic rules for the organization and internal government of the General Assembly. It would be contrary to these provisions to require the General Assembly to reorganize for a Special Session. The Speaker and President are to be elected on the first day of the January session in odd-numbered years. Each House shall determine the rules of its proceedings. See: 6th Ill. Const. Con., Committee Proposals, Vol. 5, p. 1369-1372; Ill. Rev. Stat. 1971, Ch. 63, pars. 23.1-23.5.

A requirement of Special Session reorganization, elections and rules adoption would impede the General Assembly's ability to resolve problems under the conditions of crisis or emergency which normally compel such sessions, and impose on

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the General Assembly in Special Session burdens not imposed on it upon reconvening in Regular Session during the second year of its existence.

The Constitution does not require that Special Session Journals be separately printed. (Ill. Const. 1970, Art. IV, Sec. 7(b)) The 1870 Constitution did not impose this requirement. (1912 Op. Att'y. Gen. 966.) Nor does such a requirement appear to exist at present by statute or rule. (See e.g.: Ill. Rev. Stat. 1971 Supp., Ch. 63, par. 193; Joint Rule 18, ¶s. 7, 8 (77th G. A.); Senate Rule 27 (77th G. A.)) The purpose of a Journal is to establish a public record of legislative proceedings. (People ex rel. Harless vs. Hatch, 33 Ill. 9, 131-133.) This purpose would not be advanced by a costly separate-printing requirement. Special Session Journals may be printed as a distinct portion of the Regular Journals of the two Houses.

I previously ruled that all legislation introduced in the first year of the two-year continuous General Assembly carries over to the second year. (Att'y Gen. Op. No. S-310, June 16, 1971.) The essence of that ruling is the same as this ruling based upon the directive of the 1970 Constitution that the General Assembly be a "continuous body".

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For that reason, legislation 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.

If either the Governor, or the President and Speaker in Joint Proclamation, define the purpose of the Special Session in relation to Regular Session bills, generally, or specifically designated pending bills, a Special Session may act upon them so long as it otherwise complies with the procedural requirements for passage. Ill. Const. 1970, Art. IV, Sec. 8(d); Joint, Senate and House Rules (77th General Assembly).

The 77th General Assembly is a continuous body until the second Wednesday of January, 1973. Its proceedings in Special Session, so long as called in compliance with Article IV, Sec. 5(b) of the Illinois Constitution of 1970 and Sec. 1, et seq., of "An Act in relation to the convening of Special Sessions of General Assembly." (Ill. Rev. Stat. 1971 Supp., Ch. 63, par. 191 et. seq.) and so long as confined to the purpose or purposes stated in the Proclamation, are no different from its proceedings in Regular Session.

Very truly yours,

A T T O R N E Y G E N E R A L