

3rd SPECIAL SESSION
of the 78th GENERAL ASSEMBLY
October 22, 1973

1. PRESIDENT:

2. ...Will come to order. On the Secretary's
3. desk is a Message from the Secretary of State
4. and a proclamation from the Governor. Secretary
5. will proceed with reading that communication and
6. that proclamation.

7. SECRETARY:

8. To the Honorable William C. Harris, President
9. of the Senate and Members of the 78th General
10. Assembly.

11. (Secretary reads communication from
12. Michael C. Howlett, Secretary of
13. State and proclamation from the
14. Governor)

15. PRESIDENT:

16. The Third Special Session is declared convened.
17. To proceed with organization, the Chair recognizes
18. Senator Graham.

19. SENATOR GRAHAM:

20. Mr. President, we have a series of resolutions
21. similar to those which have been read before. I'm
22. asking the Secretary to read them after which I will
23. move their adoption.

24. SECRETARY:

25. Senate Resolution No. 1, Senator Graham.

26. (Secretary reads title of
27. Senate Resolution No. 1)

28. PRESIDENT:

29. The question is the adoption of Senate Resolution
30. No. 1. The adoption of our rules, all in favor signify
31. by saying aye. Contrary no. The motion carries. The
32. resolution is adopted.

33. SECRETARY:

1. Senate Resolution No. 2 by Senator Graham.

2. (Secretary reads title of

3. Senate Resolution No. 2)

4. PRESIDENT:

5. Senator Graham moves the adoption of the

6. resolution. Is there discussion? All in

7. favor signify by saying aye. Contrary no.

8. The motion carries. So ordered. Resolution is

9. adopted.

10. SECRETARY:

11. Senate Resolution No. 3 by Senator Graham.

12. (Secretary reads title of

13. Senate Resolution No. 3)

14. PRESIDENT:

15. You've heard the resolution. Is there discussion?

16. Senator Graham moves the adoption of the resolution.

17. All in favor signify by saying aye. Contrary no.

18. Motion carries, the resolution is adopted.

19. SECRETARY:

20. Senate Resolution No. 4.

21. (Secretary reads title of

22. Senate Resolution No. 4)

23. PRESIDENT:

24. You've heard the resolution. Is there discussion?

25. Senator Graham moves the adoption of the resolution.

26. All in favor signify by saying aye. Contrary no. Motion

27. carries. The resolution is adopted.

28. SECRETARY:

29. Senate Resolution No. 5. Senator Graham.

30. (Secretary reads title of

31. Senate Resolution No. 5)

32. PRESIDENT:

33. Is there discussion? Senator Graham moves the

adoption of Resolution No. 5. All in favor signify

1. by saying aye. Contrary no. Motion carries. The
2. resolution is adopted. That completes the organization
3. of the Senate for the Third Special Session. ...

4. For what purpose does Senator Partee arise?

5. SENATOR PARTEE:

6. I just wanted to say, Mr. President, by way of
7. clarification that there will be a series of eleven
8. bills which I think are on the Secretary's desk...

9. PRESIDENT:

10. I was going to proceed to the order of introduction
11. of bills next, but...

12. SENATOR PARTEE:

13. Fine.

14. PRESIDENT:

15. ...go ahead with your explanation.

16. SENATOR PARTEE:

17. And that they have various Senate sponsors and we
18. would like to make one inclusive motion that all of them
19. be moved to the order of second reading without reference
20. to a committee with the same understanding with reference
21. to holding them for hearings and voting and notification
22. before we make any attempt to move them.

23. PRESIDENT:

24. That...has the approval of the...this side of the
25. aisle, Senator. We will proceed to the order of intro-
26. duction of bills.

27. SECRETARY:

28. Senate Bill No. 1 by Senators Partee, ...by Senator
29. Partee, Rock, Donnewald and all Democratic Senators ex-
30. cept Senators Nudelman, Knuppel and Buzbee.

31. (Secretary reads title of SB No. 1)

32. 1st reading of the bill.

33. SB No. 2 by Senators Partee, Rock and Donnewald.

1. (Secretary reads title of SB No. 2)
2. SB No. 3 by the same sponsors.
3. (Secretary reads title of SB No. 3)
4. 1st reading of the bill.
5. SB No. 4 by Senators Smith, Partee, Rock
6. and Donnewald.
7. (Secretary reads title of SB No. 4)
8. SB No. 5 by Senators Bruce, Partee, Rock
9. and Donnewald.
10. (Secretary reads title of SB No. 5)
11. 1st reading of the bill.
12. SB No. 6 by Senators Hynes, Partee, Rock
13. and Donnewald.
14. (Secretary reads title of SB No. 6)
15. SB Numbers...1st reading of the bill.
16. SB No. 7 by Senators Partee, Rock, Donnewald,
17. Vadalabene, Saperstein and Course.
18. (Secretary reads title of SB No. 7)
19. 1st reading of the bill.
20. SB No. 8 by Senators Partee, Rock , Donnewald,
21. Vadalabene, Course and Saperstein.
22. (Secretary reads title of SB No. 8)
23. SB No. 9, Senator Donnewald, Partee, Rock,
24. Vadalabene, Buzbee, Kenneth Hall, McCarthy, Course,
25. Johns and Wooten.
26. (Secretary reads title of SB No. 9)
27. 1st reading of the bill.
28. SB No. 10 by Senators Donnewald, Partee, Rock,
29. Vadalabene, Buzbee, Hall, Kenneth Hall, McCarthy, Carroll,
30. Keegan, Johns, Wooten and Course.
31. (Secretary reads title of SB No. 10)
32. 1st reading of the bill.
33. SB No. 11 by Senators Partee, Rock, Donnewald,

1. Chew, Netsch, Saperstein, Carroll, Keegan, Vadalabene.

2. (Secretary reads title of SB No. 11)

3. 1st reading of the bills.

4. PRESIDENT:

5. Senator Partee.

6. SENATOR PARTEE:

7. The eleven bills now having been read, Mr. President,
8. I'm moving that they be moved to the order of second
9. reading without reference to committee. And I'd...like
10. also...well, let me finish that first. Without reference
11. to a committee with the understanding that they will
12. be held on second reading until such time as everybody
13. is notified as to when they're going to be called for
14. amendment or advancement. I'd like to make that motion.

15. PRESIDENT:

16. ...Senator Partee, as relates to these bills your
17. conversation with me indicated that you probably would
18. proceed with...Committee of the Whole Hearing at some
19. point in time...

20. SENATOR PARTEE:

21. That's correct.

22. PRESIDENT:

23. ...additionally. Now you did not make reference
24. to the Committee of the Whole Hearing...

25. SENATOR PARTEE:

26. Well.

27. PRESIDENT:

28. ...in that...

29. SENATOR PARTEE:

30. Yes.

31. PRESIDENT:

32. ...As you spoke just now and I just want...

33. SENATOR PARTEE:

1. That they be moved to second reading for the
2. purpose of perhaps a meeting of which would be a Com-
3. mittee of the Whole on several of the matters. There
4. may be some that we can mutually agree no hearing
5. is required on but if we can not then there'll be
6. hearings on all of them.

7. PRESIDENT:

8. Senator Fawell.

9. SENATOR FAWELL:

10. I...I'd like to have some clarification. As I...
11. I have no knowledge as to what...I have some knowledge
12. as to what these bills encompass but in the reading, I
13. notice that two of the bills pertain to amendments of
14. the school construction bond act and before they do
15. advance without reference committee could someone give
16. me a rough idea of why we are amending the School
17. Construction Bond Act which I assume is the recently
18. passed legislation in regard to those Capital Develop-
19. ment Bond Bills?

20. SENATOR PARTEE:

21. Well, Senator, in all candor these bills came here
22. just a few moments before they were introduced. I
23. frankly did not have the opportunity to read all of
24. them and certainly not with care. They are matters
25. which are mentioned in the Third Special Session
26. Proclamation and I assume that there will be ample
27. time for all us to address ourselves to each facet of
28. them prior to the time that they are heard. We
29. will have hearings before the Committee of the Whole
30. and actually if we are to finish these three special
31. ...these two Special Sessions and our Regular Special
32. Session with anything like dispatch I assume we want
33. the bills in that posture and to not get involved with

1. committee hearings at a committee level. I just
2. assumed that and I would hope that you would have
3. that kind of consideration of your own time as
4. well as everybody else's.

5. SENATOR FAWELL:

6. I...I see a bit of an explanation here which
7. I think is satisfactory also.

8. SENATOR PARTEE:

9. Fine. Thank you very much.

10. PRESIDENT:

11. Senator Sours.

12. SENATOR SOURS:

13. ...President, Senators, is the motion for unan-
14. imous consent, is that what it is?

15. PRESIDENT:

16. The...Senator Partee moved to advance without
17. reference to committee. Now he did not seek unanimous
18. consent. His motion was expressed that he moved to
19. advance to the order of second reading without reference.
20. Now...technically that is a motion to suspend the rules
21. which requires thirty votes...and...and I would rule
22. that that's the effect of his...motion.

23. SENATOR SOURS:

24. I would like...

25. PRESIDENT:

26. Senator Sours.

27. SENATOR SOURS:

28. ...I'd like to make this comment. There are some
29. on...on this side, I don't know about the other side,
30. Senator Partee, who are opposed to the diametric
31. change of something that is now criminal and represents
32. a felony not only to make it legal and lawful and proper
33. but also to tell the people of this State it is good
34. for them because we're presumed not to pass bad legislation,

1. we're presumed to pass good legislation. Now, we
2. are about if that becomes the law to recognize the
3. virtue and the goodness of gambling. Public gambling.
4. We have a committee structure of this Chamber that
5. could entertain almost any variety of bill including
6. this bill and...we have an open invitation Senator
7. to have that sent to Judiciary where we will give it
8. fond and loving careful treatment. Now when you talk
9. about a Committee of the Whole, I've never heard any
10. great objection when we have committee meetings of
11. the whole. In other words, everybody comes here, it's
12. sort of exparte, nobody says very much, we listen
13. to a lot of...of bombastic phraseology, I'd like to
14. see that bill go to a committee.

15. PRESIDENT:

16. ...For what purpose does Senator ParTEE arise?
17. There have been other members seek recognition in con-
18. nection with, I think, the motion you put, Senator ParTEE.

19. SENATOR PARTEE:

20. Fine. Then let him...then get back to me.

21. PRESIDENT:

22. All right. Senator Ozinga.

23. SENATOR OZINGA:

24. I'm just wondering whether the good Senator
25. couldn't hold this motion until possibly tomorrow 'til
26. at least these bills were printed. There's at least
27. three different subject matters that are being dealt with
28. in here. There's...and I think more than that and I'm
29. willing to...gamble right now...

30. PRESIDENT:

31. ...There are eight provisions in the proclamation...

32. SENATOR OZINGA:

33. All right. I don't care how many but there's at
least...

1. PRESIDENT:

2. ...explaining...

3. SENATOR OZINGA:

4. They're in there but the result is that these
5. bills have never before been seen by 90% of us.
6. Can't he hold this motion until tomorrow, until
7. these bills are printed, until we get a change
8. to look at it to see whether or not we cannot
9. make some conscientious objection or at least a
10. conscientious vote to say that they can go to
11. second reading for a committee of the whole.

12. PRESIDENT:

13. ...Since a direct question has been put to
14. Senator Partee, perhaps he might wish to respond
15. to that from Senator Ozinga. Senator Partee.

16. SENATOR PARTEE:

17. The...let me first start with Senator Sours'
18. inquiry. The bill to which he inferentially alluded,
19. I take it to be the lottery bill. It is not one of
20. the bills in this particular group, Senator. As for
21. Senator Ozinga, let me simply point out that the bills
22. as introduced by Senator Harris a few moments ago are
23. also bills in this same category which we did not
24. object to...second reading for the simple reason that
25. if we are going to address ourselves to these limited
26. questions it occurs to me that every member of the
27. Senate would want to participate in the solution to
28. those problems and questions. I think it does a dis-
29. service to the Members of this Senate to blandly say
30. that a Committee of the Whole is an exparte proceeding
31. and that the Members of this Legislature do not
32. seriously and conscientiously address themselves to
33. the questions under consideration. In the years that I
34. have been a member of the Legislature, I have not found

1. that the Members of either the House or Senate -
2. when I was a member there and since I've been a
3. member here - did not on an important question
4. come to the Committee of the whole and address
5. themselves conscientiously to the question under
6. consideration, ask questions, make comments and
7. otherwise before they voted. It is to be remembered
8. Senator that any bill introduced in this Senate must
9. have a total of 30 votes before that bill is passed
10. out of the Legislature. So there's no real reason
11. for this kind of dilatory delay in terms of having
12. these bills moved as we did the other bills of
13. Senator Harris' to second reading. None of these
14. bills have any...wings on them, none of them can fly
15. until such time as the Members of this Body which I
16. hope is deliberative will address themselves to each
17. of the questions involved and vote...both at the
18. amendment stage and at final passage stage. And if
19. we get involved with committees for some and non-
20. committees for other we're just going to have a Session
21. that's going to last into 1974. I renew the motion.

22. PRESIDENT:

23. ...Senator Shapiro.

24. SENATOR SHAPIRO:

25. ...Mr. President, Members of the Senate, and
26. particularly to you, Senator Partee, my objections
27. are not to be dilatory or arbitrary or whatever
28. adjective anyone wants to use but I think that this
29. assembly should realize what new and innovative
30. measures are being proposed here. These bills carry
31. with them for the first time that I can recall a
32. massive diversion of road funds, a massive diversion
33. of general revenue funds all predicated on the

1. promise that current revenues will be replaced
2. with the issuance of a bond issue...contrary to
3. good, sound, fiscal policy and furthermore that a
4. state lottery is going to be used to replace those
5. revenues that the bond issue will not. I, personally,
6. happen to think that a...a Committee of the Whole
7. is not the proper place to hear these bills...there
8. are too many people involved. A single committee
9. or several committees can hear these bills and reach
10. a proper decision on them. I happen to think that
11. we are embarking on a dangerous course and I want to
12. enter in my little presentation that if Senator
13. Knuppel would put in a motion tomorrow to adjourn
14. sine die including all these Special Sessions plus the
15. Regular Session, I will support it.

16. PRESIDENT:

17. Is there further discussion? On the question
18. to suspend the rules for the reading of the bills
19. referred to that have just been introduced requires
20. 30 votes. All in favor signify by saying aye.
21. Contrary no. On the motion to suspend the rules
22. those in favor arise. Those opposed to the motion
23. to suspend arise. The motion to suspend requires
24. 30 votes. Not having achieved 30 votes the bills
25. will proceed under the rules and if there is further
26. business to come before the...Senator ParTEE.

27. SENATOR PARTEE:

28. I'm going to ask for a roll call. Now I...I'm
29. going to tell you why. At the beginning, this afternoon when
30. I had a conversation with you, Mr. President, I told
31. you that we would not object to your bill, the one in
32. the first...Second Special Session going to bypass
33. the committee and going to the order of second reading.

1. I just expected and I think you expected that that
2. would be the way it would be with the next set of
3. bills. Now if we're going to get bogged down this
4. early in our proceedings in partisanship, we're
5. going to, it occurs to me, waste a lot of taxpayers
6. money and get nothing accomplished. I think most
7. of us would agree that the subject matter under
8. consideration in both the Special Session which
9. you and the Speaker called, and in the Special
10. Session which the Governor called, are matters in
11. which the people of this State are immensely and
12. dramatically interested. And I would hope that
13. we could get to the question of making the decision
14. as to which of these avenues we are going to finally
15. pursue by legislation to solve the problems that
16. beset this State. Now to deny the motion to take
17. it to second reading where it could have a hearing
18. of the Committee of the Whole is, I think, the rankest
19. kind of partisanship and certainly not in keeping
20. with the kind of agreement almost that I thought we
21. had. I didn't bind anything there, I just thought I
22. could assume that there was fairness to be exhibited
23. on both sides. We said go ahead with the one you
24. introduced and I assumed that we would get the same
25. treatment. Apparently, I would not say that it was
26. by design that that course of conduct took place but
27. it certainly doesn't start us off on any kind of
28. amicable relationship and I think you have to
29. have some amicableness to get things done for people.
30. If we're going to on each roll call be assertive...of
31. that kind of approach to these very serious problems, I
32. could almost make it a flat prediction that we're
33. going to do a disservice to the people of this State

1. who are interested in these problems.

2. PRESIDING OFFICER (SENATOR MOHR) :

3. President Harris.

4. SENATOR HARRIS:

5. Well, Mr. President, before Senator Partee puts
6. his request for a roll call, I want to respond to
7. the observations he's made in support of his request
8. for a roll call. I want to point out that there
9. very clearly was an understanding between Senator
10. Partee and me last week as a matter of fact about
11. this procedure. The idea of not preempting the
12. opportunity for deliberative response to these
13. important considerations but with only an understanding
14. to be expeditious insofar as procedural considerations
15. were concerned. And I did communicate to Senator
16. Partee that on this Legislative day in Special Session
17. 2, we would not have 30 votes with which to suspend
18. the rules if we wanted to proceed to advance the
19. legislation that this side was joining in the co-
20. sponsorship of, limited to a single issue. In the
21. meantime, of course, and but let's scratch the in
22. the meantime, but our discussion last week did apply
23. to what would be included in the call in generalities
24. insofar as subsequent calls from the Governor that
25. we anticipated. I want to make it very clear that I
26. did not discuss with any Members of this side my
27. discussion with Senator Partee as relates to dealing
28. with sales tax reduction and the items of legislation
29. relative to what might be included in a subsequent
30. call by the Governor. It seems clear to me that at
31. this point in time when Members of this side of the
32. aisle individually and responding to their own instincts
33. and concerns do not want to take immediate action

1. about advancement and I do think, for example, the
2. observation made by Senator Ozinga that given an
3. opportunity to take a look at the bills involved
4. might very reassuringly dispose of the questions
5. that can legitimately be raised in a Member's
6. mind as we proceed without advance involvement
7. with the discussions that Senator Partee and I
8. had. So it does seem to me at this point that no
9. great purpose is served in proceeding to meet our
10. responsibilities to be careful yet expeditious to
11. move to a roll call that might identify itself as
12. partisan. But, I think the opportunity for the time be-
13. tween now and tomorrow put to the use of really
14. taking a look of what the bills are that have been
15. introduced there will have been an opportunity for
16. the members of this side of the aisle to evaluate
17. that in our caucus tomorrow morning. And the one
18. thing that I hope does not come out of this adjourned
19. Session of the 78th General Assembly and the three
20. Special Sessions dealing with some very significant
21. pieces of legislation that it degenerated into pure
22. partisanship. Let me identify the reactions from the
23. Members of this side of the aisle as individual responses
24. ...with no prior quote programing end quote, if you
25. will. In other words without any explanations from
26. me about...what might be anticipated. I think we all
27. appreciate that this process down here at times does
28. not provide for the full kind of communication to each
29. of us individually that we really would like to have -
30. but the fact is that there were not 30 votes available
31. for the motion to suspend and advance. It appears to
32. me at this point in time that we would be in much
33. better shape to address ourselves to this question when

1. we reconvene this Third Special Session tomorrow
2. morning. Following an opportunity to evaluate the
3. bills that in fact have been introduced and have a
4. discussion among our respective groups and then get
5. to that question again, I would hope that we would
6. not identify this reaction and response today as an
7. expression of pure partisanship. I certainly don't
8. want that to come about and I look forward to the
9. opportunity in these Special Sessions to responsibly
10. reacting to those several important considerations
11. where consensus can be obtained within this Body
12. and our colleagues across the rotunda. And so I
13. would urge that we not get to the point of identifying
14. on the basis of a record roll call now this issue
15. but I would have absolutely no objection to putting
16. that question again in the morning when we've had
17. an opportunity to react to it in concert from our
18. respective points of view and when we have in fact
19. had a chance to look at the legislation that has so
20. recently been introduced.

21. PRESIDING OFFICER (SENATOR MOHR):

22. Senator Sours...Senator Partee.

23. SENATOR PARTEE:

24. So that we don't get into further rhetoric let
25. me suggest that I've listened very carefully to what
26. Senator Harris has said and I'm persuaded by what he
27. says about waiting for tomorrow not because of any
28. fears of not going forward with the record roll call
29. but because I think the interest of the people of
30. this State preponderates any kind of political con-
31. sideration or record roll calls or moving to reconsider
32. the vote by which other things have happened, I think
33. that what remains to be done and I am willing to give

1. every inch toward doing it is to see that the
2. peoples' desires, wants and needs are fulfilled.
3. I consider that to be the reason I sit in this
4. red chair. I consider that to be the reason
5. this microphone is available to me as a State
6. Senator. And so that we don't get into hassles
7. and recriminations and needless rhetoric and
8. pointless arguments, I accept your...your suggestion.
9. I will withdraw the motion for the roll call on the
10. question and we will deal with this subject tomorrow.

11. PRESIDING OFFICER (SENATOR MOHR):

12. Under the rules Senator, the bills have been
13. assigned to the Committee on Assignment of Bills
14. ...leave them there until tomorrow...Weaver.

15. SENATOR WEAVER:

16. Mr. President, I would move that this Third
17. Special Session adjourn until 10:30 Tuesday October
18. the 23rd.

19. PRESIDING OFFICER (SENATOR MOHR):

20. Senator Weaver moves that the Third Special
21. Session adjourn 'til tomorrow morning at...October
22. 23rd at 11 a.m. Tom, 10:30. Before I take the
23. vote, Senator Donnewald.

24. SENATOR DONNEWALD:

25. Yes, Mr. President, I would like to announce
26. to the members on this side of the aisle, there will
27. be a Democratic caucus at 9 o'clock tomorrow, sharp
28. 9 o'clock, 6th floor.

29. PRESIDING OFFICER (SENATOR MOHR):

30. Senator Weaver.

31. SENATOR WEAVER:

32. Mr. President, there will be a Republican caucus
33. at 8:30 in the President's office in the morning. 8:30

1. PRESIDING OFFICER (SENATOR MOHR):

2. You've heard about the early bird. The
3. Third Special Session stands adjourned until
4. 10:30 tomorrow morning.

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