

4th SPECIAL SESSION
of the 78th GENERAL ASSEMBLY

NOVEMBER 13, 1973

1. PRESIDING OFFICER (SENATOR GRAHAM):

2. The Fourth Special Session of the 78th General
3. Assembly will now be in order if the Senators will.
4. Reading of the Journal. Senator Soper.

5. SECRETARY:

6. Tuesday, November the 6th, 1973.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. Senator Soper.

9. SENATOR SOPER:

10. Mr. President, I move that we dispense with the
11. further reading of the Journal of November 6th unless
12. there are some additions or corrections to be made that
13. the Journal stand approved.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. You have heard the motion of Senator Soper. All in
16. favor will signify by saying aye. Opposed. The ayes have
17. it and the motion carries. Senator Soper.

18. SENATOR SOPER:

19. Now Mr. President I move that we postpone the reading
20. of the Journals of November 7th and November 8th pending
21. the arrival of the printed Journal.

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. You've heard the motion of the Senator from Cicero
24. all in favor will signify by saying aye. Opposed? The
25. ayes have it and the motion carries. Fourth Special
26. Session we have some Senate Bills on Second Reading...
27. Senator Clarke asked that the bill be read a second time,
28. SB No. 5.

29. SECRETARY:

30. SB 5. (Secretary reads title of the bill).
31. 2nd reading of the bill. No Committee Amendments.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Are there amendments from the Floor? 3rd reading.

1. SB No. 6, Senator Harris.

2. SECRETARY:

3. SB 6. (Secretary reads title of the bill).

4. 2nd reading of the bill. No Committee Amendments.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Are there amendments from the Floor? 3rd reading.

7. Senator Weaver. He has prepared to move, I think, that

8. the Fourth Special Session of the General Assembly stand

9. in recess until the call of the Chair or do you want to

10. stand adjourned? If you want...do you want to make an.

11. adjournment motion on that Senator? Be helpful...

12. SENATOR WEAVER:

13. Is there...is there any reason to recess the Fourth

14. Special today?

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. I was anticipating you, I'm sorry.

17. SENATOR WEAVER:

18. Senator Donnewald, I think, seeks recognition.

19. PRESIDING OFFICER (SENATOR GRAHAM):

20. Senator Donnewald.

21. SENATOR DONNEWALD:

22. Well, Mr. President, I would go along with what you

23. suggested to recess it until the call of the Chair.

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. The Chair may never get around to all of these calls,

26. that's what's bothering me. It would seem to me Senator

27. Donnewald that we do have those bills in the Fourth Special

28. Session all moved up to 3rd reading the Chair might suggest

29. at this time that an adjournment resolution tomorrow might

30. be in order. I...Senator Donnewald.

31. SENATOR DONNEWALD:

32. I...I...I think that possibly someone might want to call

33. a bill on 3rd reading...

PRESIDING OFFICER (SENATOR GRAHAM):

1. Back to amendment today? Senator Weaver. Were you
2. thinking about one in particular Senator Donnewald?

3. SENATOR WEAVER:

4. Mr. President...

5. SENATOR DONNEWALD:

6. Mr. Chair...that's the only bill I have.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. We will temporarily be in recess the motion of
9. Senator Weaver notwithstanding...Special Session, I think, there
10. are some amendments that want...that needs to be offered...
11. that Senator Conolly wants to offer. He is temporarily de-
12. layed in Waukegan due to a death in the family so I think a
13. order...a motion to recess would be in order with that
14. thought in mind. Fourth Special Session of the 78th General
15. Assembly will stand in recess until the call of the Chair.

16. (AFTER THE RECESS)

17. PRESIDENT:

18. The Fourth Special Session will reconvene. Is there
19. business to come before the Senate in the Fourth Special
20. Session? Senator Donnewald.

21. SENATOR DONNEWALD:

22. Well, yes, Mr. President I think there are two bills
23. on 2nd reading I...apparently there is no desire to move
24. those...

25. PRESIDENT:

26. If those bills were moved earlier today I believe were
27. in the Session earlier...

28. SENATOR DONNEWALD:

29. ...Very well, then I would Mr. President request that
30. SB 4 in the Fourth Special Session be called for passage.

31. PRESIDENT:

32. Senator, the Chair will rule that under the provisions
33. of the call for the Fourth Special Session Item 3 clearly

1. that enactment of legislation to permit the consolidation
2. of nomination and election of county boards into the
3. March Primary and November General Election requires that
4. legislation in this Session be of a permissive nature. SB
5. 4 is a mandatory legislative proposal. The Chair rules that
6. SB 4 is not within the Call of the Fourth Special Session.
7. Senator Donnewald.

8. SENATOR DONNEWALD:

9. Well,...well, Mr. President, in rebuttal to your ruling,
10. and I anticipated what your ruling might well be, I would read
11. to you paragraph 3 of the Call: "Enactment of legislation to
12. permit the consolidation of nomination and election of county
13. boards into the March Primary and November General Elections".
14. Now I cite to you Mr. President and Members of this Body
15. Black's Legal Dictionary which I read on page 1298 the first
16. column therein: Permit: to suffer, allow, consent, let, to
17. give, leave or license, to acquiesce, by failure to prevent,
18. or expressly attempt to agree to the doing of an act. Now,
19. I refer you again Mr. President to the Webster Seventh New
20. Collegiate Dictionary on page...on page 629 of the first
21. column, bottom of the page. Permit: to let go, send, to let
22. through, to consent to expressly or formally, to give leave,
23. to authorize, to make possible. I appeal on the basis of what
24. the dictionary, Black's Legal Dictionary besides Webster's
25. Collegiate Seventh Edition, I would appeal the ruling of
26. the Chair.

27. PRESIDENT:

28. Senator, the definitions that you have read in my judgement
29. and I've listened carefully do not include within that definition
30. a mandated directive. The Chair rules that SB 4 is not within
31. the provisions of the Call. It is your right to appeal the
32. decisions of the Chair if you wish to pursue the matter.
33. Senator Donnewald.

1. SENATOR DONNEWALD:

2. Well, Mr. President if that ruling of the Chair is
3. occurring now I would ask the Chair why it was not objected
4. to in the first stages of the first reading when introduced.

5. PRESIDENT:

6. Senator Donnewald, as a matter of...direct reply to
7. your question which is a reasonable question. I'm the person
8. involved in the drafting of this proclamation. I was not
9. in the Chair at the time SB 4 has been advanced in the past
10. and I would only say to you that I would not have raised the
11. question until the bill was under consideration at the passage
12. stage were I to have been on the Floor now. I am presiding now,
13. the question has directly come to me from my position as the
14. presiding officer and not one serving on the...Floor who would
15. raise an objection at the time of passage. If someone else
16. were to be presiding now that of course is not the case I am
17. presiding, this is the first time I've directly had the re-
18. sponsibility to raise the issue. I have now raised the issue
19. and your relief is of course to repeal my determination.

20. Senator Carroll.

21. SENATOR CARROLL:

22. Two points, a parliamentary inquiry of the Chair.
23. Mr. Chairman, I believe it's the duty of the presiding officer
24. to rule on points of order not to make points of order in the
25. first instance. I think it would be obligatory of this Body
26. to have...for someone else to have raised that point to the
27. Chair and asked the Chair for a ruling as to whether or not that
28. was properly within the Call not for the Chair to in and of
29. its own accord arbitrarily make such a ruling. Secondly, I
30. believe the Chair in this instance is estoppel and the theory
31. of estoppel from proceeding from this point in time I think
32. the point was when the rules were waived to allow the bill to
33. be advanced through the stages of the Chamber. I think the

1. time to have stopped it was at the very beginning and I
2. think under the theory of estoppel the Chair has precluded
3. from taking this action at this time.

4. PRESIDENT:

5. You have a perfect right to raise those points,
6. Senator. I feel an obligation when I'm in this position
7. to rule voluntarily on questions that I believe are not
8. within the scope of the Call of any of the special sessions.
9. I have so ruled.

10. SENATOR CARROLL:

11. I was just suggesting and that that is beyond the
12. scope of Robert's as to the duties and the powers of a
13. presiding officer.

14. PRESIDENT:

15. Senator Partee.

16. SENATOR PARTEE:

17. Well, I am concerned and that the record is clear,
18. maybe the die is cast, maybe it isn't but I'm concerned that
19. the record is clear that the word permit also means to authorize.
20. Now, as I read this Call: the enactment of legislation to per-
21. mit - that is to authorize - the consolidation of nomination
22. of an election of county boards into this March Primary and
23. November General Election. It seems to me that the word
24. authorize certainly is embracive of the concept of whether
25. those consolidations and nomination of elections are of a...
26. permissive nature or of a mandatory nature or otherwise. There's
27. nothing that dichotomizes, the kind of elections that may be
28. had under those circumstances. Permit clearly means authorize
29. and to authorize those elections does not in any way circumscribe
30. the kind of elections that are involved whether they be per-
31. missive or mandatory. I want to make the point. I want the
32. record to reflect that determination.

33. PRESIDENT:

1. Senator Soper.

2. SENATOR SOPER:

3. Well...just want to ask question is there appeal
4. from the ruling of the Chair right now?

5. PRESIDENT:

6. I don't think one has been put yet but...I will
7. recognize Senator Donnewald when this discussion is
8. completed.

9. SENATOR SOPER:

10. Do you appeal from the ruling of the Chair,
11. Senator Donnewald?

12. PRESIDENT:

13. Senator Donnewald.

14. SENATOR DONNEWALD:

15. Yeah. I...Mr. President, I would like to cite,
16. if you will, on page 39, of the Constitution under Article
17. 7 of Local Government in Section 3...subparagraph b.
18. "The General Assembly by law shall provide methods available
19. to all counties for the election of county board members. No
20. county other than Cook County may change its method of election
21. electing board members except as provided by countywide refer-
22. endum." A permissive piece of legislation Mr. President is
23. unconstitutional.

24. PRESIDENT:

25. Senator Soper have your questions been responded...

26. SENATOR SOPER:

27. Yes...do you appeal..,

28. SENATOR DONNEWALD:

29. I've already appealed the ruling of the Chair and I...

30. PRESIDENT:

31. We will get to that point when the discussion...

32. SENATOR SOPER:

33. Does he appeal the ruling of the Chair or not? Did

1. Senator Donnewald appeal the ruling of the Chair?
2. PRESIDENT:
3. He...
4. SENATOR SOPER:
5. I move the previous question.
6. PRESIDENT:
7. Senator Donnewald has indicated that he will appeal
8. the ruling of the Chair. He has...yes...now there have
9. been two Senators who have asked for recognition prior
10. to my recognizing Senator Soper. They are Senator Knuppel
11. and Senator McBroom. Senator Soper.
12. SENATOR SOPER:
13. How many votes does this take 30 votes?
14. PRESIDENT:
15. ...An appeal from the Chair requires 36 votes.
16. SENATOR SOPER:
17. 36.
18. PRESIDENT:
19. Senator Knuppel.
20. SENATOR KNUPPEL:
21. Well I submit the interpretation of the Chair is strange
22. because I think to get the interpretation which the Chair has
23. resolved here the word permit or permissive would have to have
24. been used two times. In other words the Call would permit
25. legislation which permits and you would have to use the word
26. permit or permissive a second time before you could get the
27. interpretation which you placed on the Call.
28. PRESIDENT:
29. Senator McBroom.
30. SENATOR MCBROOM:
31. Well I would like Mr. President, members of the Senate,
32. I'd simply like to say that someone made the suggestion
33. or advanced the thought that no other member other than you

1. objected to the advancement of this bill and I certainly
2. do not think it's within the scope of the Call. I don't
3. have Senator Donnewald's Black's Dictionary here in front
4. of me nor do I have Senator Sours to refer to but to me
5. there is a vast difference Senator Donnewald and Senator
6. Partee in the word permit, authorize and mandate. Now how
7. you can...you can...construe permit to mean mandate is...is
8. beyond my conception and I certainly concur with the President
9. of the Senate that this is not within the scope of the Call
10. and I object to the advancement of the bill.

11. PRESIDENT:

12. Senator Palmer.

13. SENATOR PALMER:

14. ...Information. According to your ruling Mr. President
15. is SB No. 4 of the Fourth Special Session is that on the
16. Calendar or is not on the Calendar?

17. PRESIDENT:

18. It is on the Calendar.

19. SENATOR PALMER:

20. Well how do we deal with it?

21. PRESIDENT:

22. We are doing just that. Senator Hynes.

23. SENATOR HYNES:

24. ...Mr. President to...notwithstanding Senator McBroom's
25. ...McBroom's Freudian slip a few moments ago...I'd...I'd like
26. to point out one thing...If this ruling can be made at this
27. point in the proceeding at what point does the power of the
28. Chair cease to exist to make such a determination if the bill
29. had gone to 3rd reading and called for passage, it had been
30. passed unanimously by this Body. Would the Chair then be in
31. a position to rule that it was not within the Call of the
32. Session and determine that it had been improperly passed if
33. it had been considered by the House of Representatives would

1. the Chair then be in a position on its own motion to make
2. such a determination? It seems to me that this ruling while
3. it may have some significance with respect to the particular
4. bill opens some very serious problems for us in the future.
5. I think it...the problems that we have seen already pro-
6. cedurally in this Special Session are going to be compounded
7. by this ruling. There must be at some point in the legis-
8. lative process it seems to me some finality and this ruling
9. undercuts any kind of finality whatsoever. We had unanimous
10. consent of this Body to move the bill to...for the intro-
11. duction of the bill to move it to second reading without
12. reference and that determination by the unanimous consent of
13. the Body it seems to me is a clearcut determination by the
14. Body that it in fact is within the scope of the Call and I
15. would suggest that it would take a similar unanimous agreement
16. on the part of the Body to...to reverse that decision if
17. it could be reversed at all at this point. I think this...
18. this ruling is...is ill advised and that this...the matter
19. is beyond our consideration at this point. Furthermore on
20. the merits I think the ruling is incorrect.

21. PRESIDENT:

22. Is there further discussion? Senator Glass.

23. SENATOR GLASS:

24. Well Mr. President in brief reply...Senator Hynes I
25. would call his attention to Section 5...subparagraph b of
26. the Constitution under Article 4 on page 25...which states
27. that the Governor may convene a General Assembly or the
28. Senate alone a special session by proclamation may...may call
29. a special session and only business accompanied...emcompassed
30. by such purpose together with any impeachments or confirmation
31. of appointments shall be transacted so it seems to me if we...
32. if we did transact any other business no matter what stage it
33. reached it would be not...not within the Constitutional

1. provision and therefore would not be valid.

2. PRESIDENT:

3. Senator Carroll.

4. SENATOR CARROLL:

5. ...just very briefly again a point of inquiry...

6. Senator Glass or Senator Harris does either the Constitution

7. or the Chair have a dictionary under which we can operate

8. from as to how these terms are to be defined?

9. PRESIDENT:

10. The term has been defined by Senator Donnewald

11. and he failed to persuade me.

12. SENATOR CARROLL:

13. There is no dictionary for future reference so it's just

14. whatever feels like at the time.

15. PRESIDENT:

16. No, no, by all means no. I have evaluated this question

17. on several occasions from the time Senator Donnewald intro-

18. duced SB 4 and it is not a determination that I have arrived

19. at frivolously. I've discussed it with my staff, I've dis-

20. cussed it with the Speaker of the House who joined me in the

21. issuance of this proclamation and it is clearly my determination

22. on the basis of careful evaluation that SB 4 does not come

23. within the scope of the Call of the proclamation setting forth

24. the items that can be considered under the Call for Special

25. Session Four. Senator Merritt.

26. SENATOR MERRITT:

27. Mr. President, I realize you've been fair to a lot of

28. people that want to be on their feet speaking. I think we

29. have a motion before the House on the appeal by Senator Donnewald.

30. I move the previous question.

31. PRESIDENT:

32. Senator Donnewald has moved the previous question...

33. I'm sorry Senator Merritt has moved the previous question

1. The motion is not debatable if the Body determines it wants
2. to debate this issue further it will vote accordingly on the
3. question. I cannot...recognize you at this point. This
4. motion is not debatable Senator Wooten, I...I am going to put
5. this question further it will reject Senator Merritt's
6. motion. The question is on the previous question all in
7. favor signify by saying aye. Contrary no. All those in
8. favor of the motion to move the previous question signify
9. by arising. Will the Members please stay in the...the
10. Secretary cannot count you if you are moving around. ...Those
11. opposed to the previous question, rise. The motion fails.
12. Senator Wooten is recognized.

13. SENATOR WOOTEN:

14. ...Mr. President, I am somewhat at a loss being a new
15. Member knowing how to proceed under parliamentary procedure
16. and it seems to me the rules are being created as we go in
17. a very imaginative way but the point that was raised by
18. Senator Knuppel is valid and I am on sure ground being some-
19. thing of a grammarian and having some acquaintance with the
20. English language. It is impossible to construe the interpreta-
21. tion you have drawn from the Call without the double use of
22. the word permit. To do so is a leap of the imagination which
23. goes beyond all normal bounds of English construction. And
24. since English is I think the official language of this Body
25. I am amazed at the interpretation which has been placed in the
26. Call. I would...seem to me that the intent behind the Call may
27. have been one thing but its expression and language in my brief
28. stay here I've been led to believe is what counts and that
29. construction simply cannot be drawn from the language in the
30. Call.

31. PRESIDENT:

32. Senator Graham.

33.

1. SENATOR GRAHAM:

2. Mr. President and Members of the Senate. We're
3. busy swatting at the big animals while the termites
4. are eating at the...homestead. Now, the real fact about
5. this whole thing is that the President of the Senate has
6. ruled that this is outside of the purview of the Call and
7. all of the lawyers can debate the Constitutional question
8. involved therein but the pure political facts that surround
9. this whole thing if I'm any judge of what's going on Senator
10. Donnewald couldn't get the necessary votes to pass the bill
11. anyway so what the heck are we fiddling around for?

12. PRESIDENT:

13. Senator Partee.

14. SENATOR PARTEE:

15. Everybody has talked about what's involved in this
16. bill but really is involved in this bill. We've skirted the
17. issues. We've been around the periphery of it. We've been
18. around the circle and nobody's really gotten at the heart of
19. it and the middle of it and the meat of it. It's a political
20. question I think we all know that and the ruling is calculated
21. to obviate what might be a disastrous political eventuality.
22. The fact of the matter is this is not new kind of legislation.
23. We had this bill in the last Session of the Legislature and I
24. had Democrats here who were just as opposed to having a vote
25. on this measure as you are tonight. The fact of the matter is
26. there are many of you who consider that if there is a consolidation
27. of elections in a nonpresidential year that your positions may
28. be different in your counties but what you are saying by your
29. vote to obviate a vote on this bill is that you are more
30. personally concerned about your own future than you are about
31. the financial question that is involved here and that...
32. financial question is simply this county after county after
33. county in this State are poor and desirous and needing additional

1. funds to bring to the people in those counties the services
2. which people need, demand and desire. The county where Knox
3. College is located for example to Galesburg that county will
4. save \$70,000 if there is a consolidation of elections. I
5. could go right down the list and tell you county for county
6. the large numbers of dollars that would be saved by these
7. counties by consolidation of election. If you choose to be
8. concerned about your personal futures over and above the
9. taxpayers right to save large amounts of money county by
10. county by county then that is your choice. I think the fact
11. should be made known that that's what this is about.

12. PRESIDENT:

13. Senator McBroom.

14. SENATOR MCBROOM:

15. Mr. President the hour is late...

16. PRESIDENT:

17. Excuse me...Senator Netsch so have Senator Carroll,
18. so has Senator Partee and the rules permit a person to
19. speak twice on an issue. As a matter of fact Senator
20. Partee has spoke...times. I appreciate your calling the
21. matter to my attention but I'm aware that Senator McBroom
22. has already spoken on this point and he is entitled under
23. the rules to speak twice.

24. SENATOR MCBROOM:

25. Well,...

26. PRESIDENT:

27. Proceed, Senator McBroom.

28. SENATOR MCBROOM:

29. Mr...Mr. President and members of the Senate, I'd like
30. to respond to what Senator Partee said here. I guess that I
31. haven't been here as long Mr. President as some members and I
32. guess you can take almost any issue that comes before this Body
33. and take either side of it. But this is a classic example
34. Senator Partee and I hope the press is listening to me

1. next year that there shouldn't be a single vote in the
2. State of Illinois against removing the power of the Amendatory
3. Veto from the Governor. This...this bill would have never left
4. Committee. I am...I am surprised when I hear and I suggested
5. to Senator Partee in a kidding way that I expected vigorous
6. support from Senator Dougherty on my position on this be-
7. cause Senator Dougherty and his seatmate Senator Donnewald I
8. know always votes with him. They are deeply concerned over
9. home rule and I've heard this over and over and I'm certain
10. Senator Partee that you...when on a roll call that you'll at
11. least...lose those two gentlemen because they have articulated
12. it so well, so frequently and this is a classic violation of
13. home rule. Furthermore Senator Partee and members of this
14. Senate it also those counties and ours is one of them that
15. falls in that category made a conscientious effort to divide
16. the county on the basis of one man one vote. We even have
17. precincts divided and I have asked several people to tell me
18. how to simply get people to vote in...in...in two county board
19. areas in one precinct. If...send them to the left side of the
20. room and send them to the right side of the room we have...in
21. a election we have national...national issues, we have county
22. issues, we have state issues and now some of you gentlemen
23. want to inject township issues. I think this is a terrible bill
24. and I'm delighted to speak against it.

25. PRESIDENT:

26. Senator McCarthy.

27. SENATOR MCCARTHY:

28. Yes Mr. President and members of the Senate, I think the
29. point under discussion is the ruling of the Chair and Mr. President
30. I respect the power that you have to make the ruling that you
31. have sought to enunciate. I realize that your job is not an
32. easy one to...I don't know that ever in the history of this
33. great State has a presiding officer been called upon to rule

1. on the question of whether or not a bill is germane on...

2. PRESIDENT:

3. It's...it's been ruled in other special sessions on
4. a good many occasions.

5. SENATOR MCCARTHY:

6. ...On Mr. President a special session called by the
7. leaders...in the respective bodies of the Legislature. I...
8. I think it's the first time in my experience where you've had
9. to really sit as a judge of your own Call...you put your foot
10. into that situation and I realize the gravity of it and I
11. would make a suggestion to you and the Body on the ultimate
12. question that we must make a determination on where our
13. emphasis is. Are we primarily a politically structured Body?
14. I think yes. Or are we primarily a parliamentary Body? I
15. think no. I think our basic function is that of a politically
16. structured Body and that since we as a politically structured
17. Body have allowed this bill to be introduced, have allowed to
18. go through second and to third reading without amendments
19. mind you Mr. President we now are at the place questioned where
20. we decide where we must defeat or pass this bill on a question
21. of political decisions as opposed to making a parliamentary
22. decision. And I refer to some of the questions that were raised
23. by Senator Hynes because they...I think they were excellent
24. questions at what point...at what point Mr. President does the
25. duty...is the duty imposed upon you to reach the parliamentary
26. decision on whether or not the bill is germane. At what point
27. Mr. President does that opportunity to reach that decision
28. escape and leave your hands? These are all brand new questions
29. I think in a special session called by the leaders of the Legis-
30. lative Body and I would suggest Mr. President that doesn't make
31. a great deal of difference in this one particular instance but
32. I would suggest on the question of appealing the ruling of your
33. Chair I'm going to appeal your ruling and vote against you on

1. the basis that we are primarily a politically structured
2. Body and the decision should be on the legislation in front
3. of us on a political decision only Sir if someone were to
4. use the technique where they were to introduce a bill that would
5. be within the Call and get through the Rules Committee and get
6. the first reading and move to second reading and then through
7. the technique of an amendment...called on third reading then at
8. that time I think your question of ruling on the germaness of
9. the bill would first and primarily be called in...into issue
10. because there had been a change in the bill itself by virtue
11. of an amendment at second or third reading process. That has
12. not been the case in this bill. This bill has been in as has
13. been said is now before us and I think the decision is a political
14. one perhaps the result will all be the same but I...I mention
15. these things because I think it's unique and for whatever it's
16. worth to you and your staff in possibly formulating some rules
17. on...a permanent rules on special session calls by the Chamber
18. ...through the leaders of the Chambers. Thank you very much
19. Mr. President.

20. PRESIDENT:

21. Senator Rock.

22. SENATOR ROCK:

23. Thank you Mr. President. Just to keep the record straight
24. I know Senator Sours or Senator McBroom did not have the benefit
25. of Senator Sours good counsel. He mentioned that in his judg-
26. ment this was violative of home rule provisions. Frankly it
27. is not...a county which has a chief executive officer elected
28. by the electors of the county in any municipality which has a
29. population of more than 25,000 are home rule units. Surrender?
30. Thank you. I just wanted to make that clear.

31. PRESIDENT:

32. Senator Bruce.

33. SENATOR BRUCE:

1. Well, Mr. President, members of the Body, I appreciate
2. your comments Mr. President about the fact that your staff
3. has done a great deal of work on the preparation of the
4. Call for the special session and the fact that you personally
5. were involved in the drafting of paragraph 3 of that special
6. call. I would only say that perhaps I...in all my reading
7. of the English language I've never seen anything more in-
8. delicately drafted if you wish to reach the conclusion that
9. you have reached this evening. I would offer to the President
10. and those who are trained in English language within his staff
11. that a rewording to the effect of enactment of legislation to
12. permit county boards to consolidate the nomination and election
13. of county boards in the March Primary and November...General
14. Election would probably have been a clear statement in English
15. of what you propose to do in this Special Session. I only
16. mention that Mr. President because I note that many lawyers
17. are hired here and work on your staff and on our staff...I
18. speak now for the English teachers which my wife represents
19. ...with the...both the...bachelors and masters degree that there
20. are many unemployed English teachers throughout the State of
21. Illinois and perhaps this would be an appropriate time to
22. consider the hiring of those so that these things can be more
23. delicately drafted so that all of us who presume we are doing
24. one thing will know late in the evening according to the ruling
25. of the presiding officer that know that is not what it means
26. and Alice has...has come to the General Assembly. Thank you.
27. PRESIDENT:

28. Senator Mohr.

29. SENATOR MOHR:

30. I would just very briefly say Senator Bruce this is not
31. the time to be putting more people on the payroll. We should
32. be cutting down to save the taxpayers money and be concerned
33. about the people. I'm like Senator Knuppel I'm probably not

1. as serious...diabetic as Senator Knuppel but I do have that...
2. concern and I'd just like to know Mr. President if we can
3. figure on dinner this evening and about what time?

4. PRESIDENT:

5. When the business of the day has been completed by a
6. determination of this Body to adjourn.

7. SENATOR MOHR:

8. Well, Senator Chew, Senator Knuppel and myself would like
9. to...get out to dinner so if the rest of the Body would be
10. considerate we would appreciate it.

11. PRESIDENT:

12. Senator Dougherty.

13. SENATOR DOUGHERTY:

14. Mr. Chairman and Member...Mr. President and Members
15. of the Senate I didn't intend to get into this little thing
16. but since Senator McBroom brought me into it I...I think the
17. Members of this Body will know that I had a bill similar in fact
18. almost the same bill a couple of years ago where I was able
19. to get 29 votes. I failed passage of it. The reason for
20. that is that I have been a Members of Election Laws Commission
21. for many, many years and it was through the efforts of the
22. Election Laws Commission and the County Problems Commission
23. we reapportioned the county boards of the State of Illinois.
24. Was agreed that we would do away with the surplus offices,
25. the superfluous office if you will however the main thing
26. that...the thrust of my operation in this field has been uniformity.
27. Uniformity of elections. Now all county offices are elected
28. in a general election is held in November. For some reason or
29. other a group of the township counties a sum of the 84 have
30. decided that they're going to have a general election in April
31. rather than in November. Now this is going to be a double cost
32. on the taxpayers of those counties and I might tell you people
33. that you're all aware of the fact that your action of a couple

1. years ago resulted in the election to county boards of
2. some of these township counties of people who heretofore
3. have been strangers to the county boards to some of these
4. counties. And I might tell you very well again it's going
5. to happen next November, a year from November.

6. PRESIDENT:

7. Is there further discussion? Senate...Senator Keegan.
8. Senator Keegan.

9. SENATOR KEEGAN:

10. May I ask permission to ask a question? ...In the
11. Call to the...Session, the third point, the third whereas on
12. the first page uses the words, the consolidation of the nomination
13. and election of county boards into the March Primary and in
14. November General Elections would save millions of dollars and
15. increase voter participation in these local elections. Gentle-
16. men there is no adjective permissive used in front of the word
17. consolidation.

18. PRESIDENT:

19. Yeah. Yeah. Is there further discussion? Senator
20. Donnewald may close the debate.

21. SENATOR DONNEWALD:

22. Very briefly Senator Jack Graham just left the Floor but
23. let me tell you Mr. President and members of the Body I am in
24. full and wholehearted agreement with him let's vote on the bill
25. itself. But let me say this anyone who votes to overrule the
26. Chair is voting to save 6 to 7 million dollars in the downstate
27. counties and the various counties we're talking about. The
28. other thing is this is the only bill...the only bill that
29. Governor Walker will sign. This is the bill that can save us.
30. A vote to overrule the Chair Mr. President and Ladies and
31. Gentlement of the Senate is a vote to save 6 or 7 million dollars.
32. I request your favorable roll...roll call to overrule the
33. Chair. Thank you.

1. PRESIDENT:

2. The question is shall the ruling of the Chair be
3. sustained and on that question the Secretary will call
4. the roll.

5. SECRETARY:

6. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
7. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
8. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
9. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
10. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
11. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
12. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
13. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
14. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
15. Weaver, Welsh Wooten, Mr. President.

16. PRESIDENT:

17. Call the absentees.

18. SECRETARY:

19. Bartulis, Bell, Clarke, Fawell, Graham, Harber Hall,
20. Knuepfer, Latherow, Mitchler, Don Moore, Ozinga, Regner,
21. Roe, Schaffer, Scholl, Shapiro, Sommer, Soper, Sours,
22. Walker, Weaver, Mr. President.

23. PRESIDENT:

24. On that question the yeas are 8. The nays are 30.
25. Under the provisions of Rule 60 the question having failed
26. to receive the necessary votes to overrule the Chair is
27. ruled sustained. SB 4 therefore shall be stricken from the
28. Calendar. For what purpose does Senator Bruce arise?

29. SENATOR BRUCE:

30. Well, just a point of order now. I want to know because
31. I'm sure this is going to happen again and again as rules get
32. changed quickly around here. What is our Journal going to re-
33. flect and our Digest as to that bill number, will it never be
introduced or will it be shown that by ruling of the Chair on

1. third reading on passage that the ruling of the Chair at
2. that point made the ruling that it was not within the call
3. ...roll call vote.

4. PRESIDENT:

5. That...that is what the Journal will reflect which is
6. exactly the facts in the matter. ...Purpose does Senator
7. Carroll arise?

8. SENATOR CARROLL:

9. Just an inquiry, couldn't again that bill be amended
10. ...y'know still in the order it's on and still be within the
11. call?

12. PRESIDENT:

13. Well there are two bills on the order...

14. SENATOR CARROLL:

15. That particular bill though.

16. PRESIDENT:

17. ... It is moot now, Senator.

18. SENATOR CARROLL:

19. Well I didn't realize that your ruling originally was
20. there...there was stricken from the Call. You just said
21. that it was not within the Call.

22. PRESIDENT:

23. When the Chair sustained the ruling of the...of the
24. Chair...when the membership sustained the ruling of the
25. Chair I ordered the bill stricken. Yes. Senator Knuppel.

26. SENATOR KNUPPEL:

27. Mr. Chairman...a point of order. If there was a motion
28. to suspend the rules how many votes would that require?

29. PRESIDENT:

30. A motion to suspend the rules would be...would require
31. 30 votes.

32. SENATOR KNUPPEL:

33. Well, I'm going to move to suspend the rules at this time
and to place...and to place the bill back on the Call on the

1. basis that we're suspending the rules and we have the
2. right to do that...while we're...the Body is still here
3. before the Body. I'm moving to suspend the rules...

4. PRESIDENT:

5. ...Senator...Senator, I will rule your motion out
6. of order as it applies to SB 4.

7. SENATOR KNUPPEL:

8. All right.

9. PRESIDENT:

10. The question is moot.

11. SENATOR KNUPPEL:

12. All right. I'm going to take this position because
13. I think it has legal significance from a court standpoint
14. and that's the reason I move to suspend the rules and
15. redocket the matter as being within the purview of the Call
16. and secondly where the Constitutional number of votes to
17. pass it it has received the Constitutional number of votes
18. to overrule the Chair and I say that's tantamount to passage
19. of the bill. And it indicates that the bill should have
20. and that the Chairman is wrong and that if this...if this
21. matter were brought before the courts that it would be
22. appropriate to say that the bill had passed.

23. PRESIDENT:

24. Senator, I have...declared your motion out of order.
25. You...is there further business to come before the Fourth
26. Special Session? Senator Howard Mohr moves that the Fourth
27. Special Session stand adjourned until 11:30 Wednesday,
28. November 14. All in favor signify by saying aye. Contrary
29. no. The motion carries. So ordered. ...Session tomorrow
30. is the Second Special Session convening at 10. For those
31. of you who want the whole order, Second at 10. Regular at
32. 10:15. First at 10:30. Third at 11. Fourth at 11:30 and
33. the Fifth at 12.