

79TH GENERAL ASSEMBLY
THIRD SPECIAL SESSION
NOVEMBER 19, 1975

1. PRESIDENT:

2. Third Special Session. Reading of the Journal. Senator Lemke.

3. SENATOR LEMKE:

4. I move the reading and approval of the Journal of Tuesday, November 18, 1975 be postponed pending arrival of the printed Journal.

6. PRESIDENT:

7. You heard the motion. All in favor will say Aye. Opposed Nay.

8. Ayes have it. The motion carries. Committee Reports.

9. SECRETARY:

10. Senator Donnewald, Chairman of the Assignment of Bills, assigns
11. the following to Committee. Appropriations - Senate Bill 6; Education -
12. Senate Bill 3, 4 and 5; Executive - Senate Bill 1 and 2.

13. PRESIDENT:

14. For what purpose does Senator Buzbee arise?

15. SENATOR BUZBEE:

16. Thank you, Mr. President. For the purpose of making a motion.
17. I now move that Senate Bill 5 be...the Committee on Education, be dis-
18. charged, and the bill be read a second time, and that Senate Bill 6,
19. the Committee on Appropriations, be discharged, and the bill be put
20. on the Calendar and read a second time, today.

21. PRESIDENT:

22. Any objections? Senator Rock.

23. SENATOR ROCK:

24. Yes, I...I wish to lodge an objection against that procedure.
25. I think the bills are in committee, where they rightly should repose
26. until the committee acts upon them. I received a communication today,
27. and I think everybody did, from the Civic Federation with respect to
28. Senator Buzbee's proposal. Now, they have their doubts about its
29. feasibility. Frankly, so do I, and I think the Senate Education Com-
30. mittee should take a long hard look at any substantive change in the
31. formula, and I would object.

32. PRESIDENT:

33. Any further discussion? Senator Harris.

1. SENATOR HARRIS:

2. Mr. President, I just want to point out that we know that the
3. clock is running, and the hours and minutes are ticking by. If there
4. is going to be any additional money for the common schools, ~~this vehicle~~
5. is certainly one that ought to be kept vitally alive. For it to languish
6. in the committee, is injurious to the prospect of wrapping up this
7. Session by Saturday of this week. In this Special Session, we also
8. have an additional important item to the two major political parties,
9. the question of selection and the election of delegates to the National
10. Nominating Conventions for the office of President. I would hope that
11. it would be the majority sense of the Senate to move all of these bills
12. out of committee. We can deal with them, work out some kind of a com-
13. promise in both subject matters, as a matter-of-fact, that with respect
14. to delegates and that with respect to most equitably channeling the
15. additional money available to assist the common schools. Whether that
16. figure is twenty-two million, or whether it's twenty-eight five, I don't
17. think is terribly important right now, but what is important right now
18. is that we keep these bills moving, so that we can wind up our decision
19. making by Saturday. I would urge the membership to support...I would
20. assume that in the light of the objection raised that Senator Buzbee,
21. then, would move to suspend for the purpose of advancing these bills to
22. 2nd reading, and having them read a second time so that we can have
23. them on the Calendar tomorrow in 3rd reading, and see if we can't work
24. out some kind of a compromise that still will get this money on its
25. way to the schools, and let us permit that action by this coming Saturday.

26. PRESIDENT:

27. Senator Rock.

28. SENATOR ROCK:

29. Well, I...I do not mean to belabor the point, but I think Senator
30. Harris' comments would indicate that this is...these are the only vehicles
31. around, that simply is not the fact. Now, we have attempted, and are
32. still attempting, as a matter-of-fact, to work out a compromise with
33. respect to those changes in the formula that virtually everybody agrees

1. upon. Senator Berning has two bills in, and I don't think there's
2. any objection. Senator Hynes has made one motion to discharge House
3. Bill 493 for the purpose of putting on those substantive change amend-
4. ments that apparently everybody is in agreement with. In addition to
5. that, I am told that Senator Berman's bill has, in fact, passed and
6. is over here, which does essentially the same thing, and in addition
7. to that with respect to the question of delegate selection, both of
8. the measures that are there pertain only to the Democratic Party, and
9. I think that, as I indicated last week, the time was running, the time
10. is still running, but I think that there are vehicles around. There
11. is one currently on the Calendar that can, in fact, be amended with...
12. with what I consider to be the Democratic Party proposal. So, to...to
13. characterize this as a do-or-die situation, I think is frankly not in
14. accord with the facts, and I would renew my objection and hope that
15. everybody would..would take this Special Session just exactly for what
16. it is, a political maneuver, nothing more, nothing less.

17. PRESIDENT:

18. Senator Buzbee.

19. SENATOR BUZBEE:

20. Yes, Mr. President, this politician moves that Senate Bills 5 and
21. 6 be taken from their respective committees, read a 2nd time and advanced
22. to the order of 3rd reading.

23. PRESIDENT:

24. Now, so I'll understand you. You're moving to suspend the rules
25. for the purpose of discharging this committee...

26. SENATOR BUZBEE:

27. Yes.

28. PRESIDENT:

29. ...of Senate Bills what?

30. SENATOR BUZBEE:

31. 5 and 6.

32. PRESIDENT:

33. Well, let's take them one at a time.

1. SENATOR BUZBEE:
2. All right.
3. PRESIDENT:
4. Senator Buzbee moves to suspend the rules to take from the Committee
5. on...let me just finish it.
6. SENATOR BUZBEE:
7. Education.
8. PRESIDENT:
9. ...Education, Senate Bill 5. All in favor will say Aye. Just
10. a moment. Senator Nudelman, for what purpose do you arise?
11. SENATOR NUDELMAN:
12. Mr. President, isn't this the same motion that Senator Hynes
13. attempted earlier today?
14. PRESIDENT:
15. I...I don't remember what his motion was. Senator, we...the
16. motion has been stated, he's moving to suspend the rules...
17. SENATOR NUDELMAN:
18. Well, my question is based on the fact that it's my recollection,
19. and I'm...I confess I may be in error...
20. PRESIDENT:
21. But, no, you could never be in error.
22. SENATOR NUDELMAN:
23. But, it happens...
24. PRESIDENT:
25. Nobody makes errors but me.
26. SENATOR NUDELMAN:
27. ...in 1900 and 37 the last time. That Senator Hynes made an
28. attempt, and it was called to his attention that the rules do not per-
29. mit the suspension of these rules, because of the Joint Rules. Is that...
30. PRESIDENT:
31. No, that's...that's...no, this is a Special Session, that's a
32. very different question.
33. SENATOR NUDELMAN:

1 Well, don't we...don't we...haven't we adopted the same rules for
2 the Special Sessions that we have for the others? It seems to me that
3 was the first order of business when this...when these Sessions...

4 PRESIDENT:

5 That is the Joint Rules in contradistinction to our own rules.
6 That's the difference here, Senator.

7 SENATOR NUDELMAN:

8 All right. My second question is, how many votes does this motion
9 take?

10 PRESIDENT:

11 Thirty-six. The motion was to suspend the rules. I specifically
12 asked him if his motion was to suspend the rules. He said yes, and
13 that requires thirty-six votes. To suspend the rules? Correct, it
14 takes thirty votes. That's why they put rubbers on pencils, because
15 people make mistakes. Now, the question is...the question is shall
16 the rules be suspended to discharge Senate Bill 5 in the Third Special
17 Session from the Committee on Education. All in favor will say Aye.
18 Opposed Nay. A roll call is requested. The Secretary will call the
19 roll.

20 SECRETARY:

21 Bell, Berning, Bloom, Brady, Bruce, Buzbee, Carroll, Chew, Clarke,
22 Course, Daley, Davidson, Demuzio, Donnewald, Dougherty, Egan, Fawell,
23 Glass, Graham, Harber Hall, Kenneth Hall, Harris, Hickey, Hynes, Johns,
24 Joyce, Knuppel, Kosinski, Lane, Latherow, Lemke, McCarthy, Merritt,
25 Mitchler, Howard Mohr, Don Moore, Morris, Netsch, Newhouse, Nimrod,
26 Nudelman, Ozinga, Palmer, Philip, Regner, Rock, Roe, Romano, Savickas,
27 Schaffer, Shapiro, Smith, Sommer, Soper, Vadalabene, Weaver, Welsh,
28 Wooten, and Mr. President.

29 PRESIDENT:

30 How is Senator Dougherty recorded? How is Senator Dougherty re-
31 corded? Senator Dougherty is not recorded. Senator...Senator Latherow.

32 SENATOR LATHEROW:

33 How am I recorded, Mr. President?

34 PRESIDENT:

35 How is Senator Latherow recorded?

1. SECRETARY:
2. No.
3. SENATOR LATHEROW:
4. I'd like to be recorded as Aye.
5. PRESIDENT:
6. How is Senator Ozinga recorded?
7. SECRETARY:
8. Not recorded.
9. PRESIDENT:
10. He desires to be recorded Aye.
11. SENATOR OZINGA:
12. Aye.
13. PRESIDENT:
14. On this question, the Ayes are 33, the Nays are 8, the motion
15. prevails. Senator Hynes.
16. SENATOR HYNES:
17. Verification of the affirmative votes.
18. PRESIDENT:
19. A verification of the affirmative vote has been requested. Will
20. the members be in their seats.
21. SECRETARY:
22. The following voted in the affirmative: Bell, Berning, Bloom,
23. Bruce, Buzbee, Clarke, Demuzio, Fawell, Graham, Harber Hall, Harris,
24. Hickey, Johns, Joyce, Knuppel, Lane, Latherow, McCarthy, Merritt,
25. Mitchler, Howard Mohr, Don Moore, Morris, Netsch, Newhouse, Nimrod,
26. Ozinga, Schaffer, Shapiro, Sommer, Soper, Weaver and Wooten.
27. PRESIDENT:
28. Are there challenges? The roll call has been verified. The bill
29. under consideration, Senate Bill 5, has now been taken from the Committee
30. on Education, and has...and is now placed on the Calendar on the order
31. of 2nd reading. Read the bill. (Machine cut-off)...on 2nd reading.
32. (Machine cut-off)...been read a first time, it is taken from the committee
33. and placed on the order of 2nd reading.

1. SECRETARY:
2. Senate Bill No. 5.
3. (Secretary reads title of bill)
4. 2nd reading of the bill. No committee amendments.
5. PRESIDENT:
6. Senator Buzbee.
7. SENATOR BUZBEE:
8. Mr. President, I await your announcement that the bill has advanced
9. to the order of 3rd reading, and then I have another motion to make.
10. PRESIDENT:
11. First of all, we have to make some adjustment or determination if
12. there are any offered amendments.
13. SENATOR BUZBEE:
14. Thank you.
15. PRESIDENT:
16. Yes. Any amendments from the Floor? 3rd reading.
17. SENATOR BUZBEE:
18. Thank you, Mr. President. Mr. President...
19. PRESIDENT:
20. Senator Buzbee.
21. SENATOR BUZBEE:
22. ...I now move that Senate Bill 6 be taken...that the rules be
23. suspended, and Senate Bill 6 be taken from the Appropriations Committee
24. to be advanced to the order of 2nd reading, read a 2nd time today, and
25. I would ask if we could have the same roll call as we just had on Senate
26. Bill 5.
27. PRESIDENT:
28. Any objections to the application of the same roll call? Leave is
29. granted. On that question, the Ayes were 33, the Nays were 8. Senate
30. Bill 6 is discharged from the Committee on Education and placed on the
31. order of 2nd...it's Appropriations. Senate Bill 6 is discharged from
32. the Committee on Appropriations and placed on the order of 2nd reading.
33. Read the bill.

1. SECRETARY:

2. Senate Bill 6. Third Special Session.

3. (Secretary reads title of bill)

4. 2nd reading of the bill. No committee amendments.

5. PRESIDENT:

6. Any amendments from the Floor? 3rd reading. For what purpose does
7. Senator Berning arise?

8. SENATOR BERNING:

9. Mr. President, having discussed the matter with the Chairman of
10. the Education Committee, I would also, then, at this time to move that
11. the Senate Education Committee be discharged from further consideration
12. of Senate Bill 3, it be placed on the order of 2nd reading and read a
13. 2nd time and advanced to 3rd.

14. PRESIDENT:

15. Any discussion? Is leave granted. Leave is granted. Senate...
16. what's the number? Senate Bill 3 is now discharged from the Committee on
17. Education, is placed on the Calendar on the order of 2nd reading. Are
18. there any amendments from the Floor? Read the bill first.

19. SECRETARY:

20. Senate Bill No. 3. Third Special Session.

21. (Secretary reads title of bill)

22. 2nd reading of the bill. No committee amendments.

23. PRESIDENT:

24. Any amendments from the Floor? 3rd reading. Senator Berning.

25. SENATOR BERNING:

26. Now, then, Mr. Chairman, I would like to move that Senate Bill 4
27. be...that the Senate Education Committee be discharged from further
28. consideration of Senate Bill 4, and it be placed on the order of 2nd
29. reading and read a 2nd time.

30. PRESIDENT:

31. Is there any objection? Is leave granted? Leave is granted. Senate
32. Bill 4 is now discharged from the Committee on Education, is placed on
33. the Calendar on the order of 2nd reading. Read the bill.

1. SECRETARY:

2. Senate Bill 4. Third Special Session.

3. (Secretary reads title of bill)

4. 2nd reading of the bill. No committee amendments.

5. PRESIDENT:

6. Any amendments from the Floor? 3rd reading. For what purpose does
7. Senator Nudelman arise?

8. SENATOR NUDELMAN:

9. Mr. President, I have a very real problem with this entire procedure.
10. It is...it is my recollection when each of these Special Sessions was
11. called into Session, that a motion was made by a member of leadership,
12. a predesigned motion, of course, that the rules of the Regular Session
13. be adopted as the rules of this...these various Special Sessions, and
14. it would appear to me, Mr. President, that as a very real matter the
15. rules would include, the rules of the Regular Session would include the
16. rules which are Joint Rules with the House, and therefore, Mr. President,
17. I would respectfully request that I be provided with the language of
18. these various motions which were made, with a transcript or a tape of
19. the various motions which were made at the beginning of each of these
20. Special Sessions, indicating that we would be operating under the same
21. rules as the General Session. And if I am correct in my conclusion then
22. I would submit to you, Mr. President, that this whole procedure is illegal,
23. because the special of these Joint Rules provide other than what we have
24. been doing here, and this whole thing is a nullity.

25. PRESIDENT:

26. The Session commenced with a series of resolutions, which resolu-
27. tions set forth the terms under which the Special Session is conducted.
28. The Secretary will supply Senator Nudelman with a copy of the resolutions
29. in either or all of the Session that he desires. Here, he has them
30. right here. He has them in his office. Senator Nudelman.

31. SENATOR NUDELMAN:

32. These are pursuant to motions made, I think, in several occasions
33. by Senator Rock. Is that what we're talking about?

1. PRESIDENT:

2. Yes.

3. SENATOR NUDELMAN:

4. It's my recollection that Senator Rock, from time to time, made
5. various motions at the beginning of each of these Special Sessions which
6. were...

7. PRESIDENT:

8. That's correct.

9. SENATOR NUDELMAN:

10. ...relative to rules, and which we adopted, and I would submit that
11. I... It's my understanding that they...they included the joint rules
12. of the two Houses, and if they so included, then we can't do what we're
13. trying to do, or what some of us are trying to do.

14. PRESIDENT:

15. Well, it'll be very easy to clarify, we'll go look at them, Senator.

16. SENATOR NUDELMAN:

17. Thank you.

18. PRESIDENT:

19. Senator Bruce.

20. SENATOR BRUCE:

21. Yes, Mr. President, while we're still on the order of motions, I
22. would move that the committee be discharged from further consideration
23. of Senate Bill 2, Third Special Session, and that the bill be read a
24. 2nd time and advanced to the order of 3rd reading. That bill is a
25. Delegate Selection Bill, and provides for a method of selecting delegates
26. to the National Convention.

27. PRESIDENT:

28. Well, what...what committee is it in, Senator?

29. SENATOR BRUCE:

30. It's in Elections Committee. Executive. I'm sorry, in Executive
31. Committee.

32. PRESIDENT:

33. All right. Senator Rock.

1. SENATOR ROCK.

2. Well, again I'm going to renew my objection, and I...this...this
3. bill, Senate Bill 2 and Senate Bill 1, which is sponsored by myself,
4. both deal with delegate selection with respect to the Democratic portion
5. of that statute. So, I'd ask my friends on the other side to do exactly
6. as they did last week, and vote Present on this motion to discharge, and
7. we will...and I'm going to object.

8. PRESIDENT:

9. Senator Harris.

10. SENATOR HARRIS:

11. Well, just so that the players understand that the moves...it is
12. later than it was week before last. We're getting...we're getting
13. close to when we are really going to have to talk to each other, and
14. I guess I should say - among each other, because the elements keep
15. kind of moving around. I think we really should move this bill along,
16. since the sponsor wants it to be in a position of final action tomorrow,
17. and I...I'm just emphatic in my conclusion that I want to go home Sat-
18. urday at the latest, and if we're going to do that and we are going
19. to resolve the delegate question, this is as certainly a viable vehicle
20. about which we can place ultimate majority conclusions that could be
21. signed by the Executive, and that's imperative because, of course,
22. December 8th continues to get closer and closer, and that is the day
23. by law that the State Central Committees of the two respective major
24. parties have to select the manner in which delegates will be elected.
25. Time is critical. I think we...that the members from this side of the
26. aisle should support the motion to suspend for the purpose of having
27. Senate Bill read...2 read a 2nd time and advanced to the order of 3rd
28. reading.

29. PRESIDING OFFICER: (SENATOR DONNEWALD)

30. Senator Partee.

31. SENATOR PARTEE:

32. Well, Mr. President, last week when this matter arose, and it is
33. to be remembered that these two bills, Senate Bill 1, by Senator Rock

1. and Senate Bill 2, by Senator Bruce, relate to, and only to, the delegate
2. selection process in the Democratic Party. I had a great deal of admir-
3. ation and respect for my colleague, Senator Harris, last week when he
4. recognizing that this was a confrontation of sorts on this side of the
5. aisle, had the judgement and, I think, good sound reasoning to remove
6. himself from our problems. Today he jokingly and laughingly says -
7. it is later, and it causes me on reflection to think that this is proba-
8. bly a part of what was already structured pursuant to what might be
9. described as a strange and odd and peculiar alliance, and I'm only saying
10. that the same two teams play tomorrow, I'm only saying that this is not
11. the only House where matters have to be dealt with. I'm saying that the
12. divisional aspects within or without each party do not maintain them-
13. selves in the same kind of fashion in the House as they do here. I
14. can see the handwriting on the wall, I can see what it's about. If that
15. is the way you want to do it, you come into our party and become the
16. arbiter of our disputes then, of course, that is your American right
17. and privilege. I only suggest to you that you will one day have problems,
18. you will one day not be able to form this kind of an alliance, and you
19. will need help. I appreciated your staying out of our problems the
20. other day, but now you've come across the fence into our yard to tell
21. us whether we're...the runner is safe or out. I was going to ask, Mr.
22. President, that when this matter is voted on that we have it on roll
23. call, we're going to ask for another roll call for a rather obvious reason.
24. Pardon me, I want a roll call on the question.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Nudelman.

27. SENATOR NUDELMAN:

28. Thank you, Mr. President. For the purposes of the record I would,
29. renew my observation made relative to the other prior motion of the
30. same nature in this Special Session, and would point out that my objection
31. still stands, and when I have the information I requested before me, I
32. would feel free to speak again. Thank you.

33. PRESIDING OFFICER: (SENATOR DONNEWALD)

1. It will be noted for the record. Is there further discussion?

2. Senator Bruce moves that Senate Bill 2 be taken from the Committee on
3. the Executive and advanced to the order of 2nd reading. Senator Harris.

4. SENATOR HARRIS:

5. Thank you, Mr. President. I just feel compelled to respond to the
6. President's comments, and I do want to make it clear that this side of
7. the aisle does very much want to stay out of any confrontation between
8. opposing points of view within the Democratic Party. We sincerely want
9. to do that. But, the fact is, and I was not being facetious when I
10. said that time has run since week before last, and the fact is that time
11. is becoming terribly precious, and it is important, I think, for us to
12. have a viable vehicle in this Session. Both Senator Rock and Senator
13. Bruce have introduced bills dealing with the question in this Third
14. Special Session giving some dignity to this Session, this mechanism
15. from the two respective viewpoints that differ as to how best to resolve
16. your difficulty for electing delegates to your Nominating Convention.
17. We don't want to get into that, the Republican membership does not, and
18. by moving this bill today, I don't believe we are doing that. We are
19. merely, today, moving this bill to a point where tomorrow we could then
20. act if there is a concert of opinion to proceed. I say again, as I
21. mentioned in my remarks a few minutes earlier here this evening, it is
22. important that whatever we do, if we do anything about amending the
23. Election Code with respect to National Nominating Conventions, that that
24. legislative action be concurred in by the Executive. We have a problem
25. in the Republican Party that we would like to resolve, and frankly, we're
26. not on all fours on this side of the aisle in what will fulfill our
27. problem, but I think that between now and tomorrow we can get together
28. on what this side of the aisle needs with some reasonableness among us.
29. I would hope again that between now and tomorrow your side of the aisle
30. would attempt to work something out that you both could live with that
31. could receive Executive approval, and we could, here in this Body, take
32. action tomorrow and send the bill to the House. We are certainly running
33. out of time. Now, I mentioned the other day, some ten, twelve days ago,

1. that 3052 isn't dead forever, we can suspend the rules and breathe life
2. into it. I'm not suggesting that this is the only vehicle, but I am
3. suggesting that we ought to take those steps each day that keep bills
4. moving in this Third Special Session that, at least, will provide an
5. alternative to us if in the mean time between now and tomorrow we can
6. get together, and I hope...I would hope that that would be the result.
7. I do not see the action of suspending to move this bill along as intruding
8. into what is your own Party's problem.

9. PRESIDING OFFICER: (SENATOR DONNEWALD)

10. Senator Rock's...Senator Bruce's motion is to take the Senate Bill
11. 2 from the Committee on Executive and advance it to the order of 2nd
12. reading. All...all those in favor...Senator Bruce, for what purpose
13. do you arise?

14. SENATOR BRUCE:

15. Well, comments have been made here today that I don't think are
16. going to heal wounds between the Democrats or make paths between us and
17. the Republican Party. I take Senator Harris' comments as being truthful
18. that we ought to work on these bills tonight. I have asked Senator
19. Rock if we could advance both bills, and there was objection to that.
20. I had hoped and I had thought today that we were going to advance both
21. bills, that they would be on the Calendar tomorrow, and we would not
22. get into allegations of inter-party rating, or inter-party problems,
23. and to the end of trying to resolve what is becoming a very difficult
24. situation. I would withdraw my motion so that no one on our side or on
25. the Republican side necessarily walks the plank. It's just a question
26. of trying to move this bill along. If everybody's nerves are on edge,
27. it's the end of a long day. I think the best thing to do is leave both
28. bills in the same posture, and let's try to work out something this
29. evening.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. The motion is withdrawn. Is there further business to come before
32. the Senate in Session...Special Session Three. Senator Nimrod.

33. SENATOR NIMROD:

1 Mr. President, I have a bill on the Secretary's Desk, and I wonder
2 if I could ask that that bill be read and assigned a number.

3 PRESIDING OFFICER: (SENATOR DONNEWALD)

4 That...that would have to go to the Rules Committee, Senator, before
5 it's assigned a number. If it's decided that it comes within the call
6 of the Session.

7 SENATOR NIMROD:

8 Would that be done for tomorrow?

9 PRESIDING OFFICER: (SENATOR DONNEWALD)

10 It...speak to the Chairman of the Rules Committee, Senator Partee,
11 he may be able to give you some idea. Is there further business to
12 come before the Senate? The Senate stands adjourned in the Third...
13 Senator Partee.

14 SENATOR PARTEE:

15 Yes, we're coming into the Regular Session at 10:00, the first
16 Session of tomorrow day, and there will be a Rules Committee meeting
17 at 9:15 in my office.

18 PRESIDING OFFICER: (SENATOR DONNEWALD)

19 The Senate stands adjourned on the Third Special Session till 10:30
20 ...11:00 o'clock...11:00 o'clock, November 20th.

21 SENATOR KENNETH HALL:

22 Don't forget the breakfast tomorrow morning over at the State House...
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