

80TH GENERAL ASSEMBLY
FIRST SPECIAL SESSION
NOVEMBER 9, 1977

1. PRESIDING OFFICER: (SENATOR DONNEWALD)

2. First Special Session shall come to order. Reading...

3. Reading of the Journal. Senator Leonard.

4. SENATOR LEONARD:

5. Mr. President, I move that reading and approval of the
6. Journals of Wednesday, November 2nd, Thursday, November 3rd,
7. Friday, November 4th, Monday, November 7th and Tuesday, Novem-
8. ber 8th, in the year 1977 be postponed pending arrival of
9. the...printed Journal.

10. PRESIDING OFFICER: (SENATOR DONNEWALD)

11. You've heard the motion. Those in favor indicate by
12. saying Aye. Those opposed. The motion carries. Message
13. from the House.

14. SECRETARY:

15. A Message from the House by Mr. O'Brien, Clerk.

16. Mr. President - I am directed to inform the
17. Senate that the House of Representatives has passed bills
18. with the following titles, in the passage of which I
19. am instructed to ask the concurrence of the Senate, to-wit:

20. House Bills 9, 20 and 21 by a three-fifths vote.

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Senate Bills 3rd reading. Senate Bill 4, Senator
23. Kosinski.

24. SENATOR KOSINSKI:

25. Mr. President, good morning. Members of the Senate.
26. I understand there are three amendments to be looked at
27. and voted upon on Senate Bill 4. I would like to bring
28. Senate Bill 4 back into 2nd reading for the purpose of
29. looking at those amendments.

30. PRESIDING OFFICER: (SENATOR DONNEWALD)

31. Do we have leave? Leave is granted. The bill is now
32. on 2nd reading.

33. SECRETARY:

1. Amendment No. 1 offered by Senator Rhoads.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Rhoads.

4. SENATOR RHOADS:

5. Thank you, Mr. President and members of the Senate.

6. Senate Bill 4 as it is currently written sponsored by

7. Senator Kosinski calls for a four member State Board of

8. Elections. Two of whom are appointed by the Governor

9. and two of whom are appointed by the next highest

10. State-wide Constitutional officer of the opposite political

11. party. Senate Amendment No. 1 would change that so that

12. the Governor would be appointing all four members. I ask

13. for a favorable consideration.

14. PRESIDING OFFICER: (SENATOR DONNEWALD)

15. Is there further discussion? Senator Kosinski.

16. SENATOR KOSINSKI:

17. I ask this side of the aisle to defeat this amendment

18. because it almost defeats the purpose of the bill. And

19. that is...actually the, practically the guts of the bill

20. and without guts what is a bill? Or what is a body?

21. PRESIDING OFFICER: (SENATOR DONNEWALD)

22. Very empty. Is there further discussion? Senator

23. Rhoads may close.

24. SENATOR RHOADS:

25. Well, it's our position that the...all the members of

26. the board should be appointed by the Governor. There are

27. times when there are no State-wide Constitutional officers

28. of the opposite party. I think this was the...intent of

29. Con Con and really the intent of the court decision dealing

30. with this matter and I ask for a favorable roll call.

31. PRESIDING OFFICER: (SENATOR DONNEWALD)

32. All right. The question is shall Amendment No. 1 to

33. Senate Bill 4 be adopted. Those in favor vote Aye. Those

1. opposed Nay. The voting is open. (Machine cutoff)...voted
2. who wish? Have all those voted who wish? Take the record.
3. On that question the Ayes are 19, the Nays are 30. Amendment
4. No. 1 fails. For the sake of the record, I'm.. advised by
5. the Secretary that that was, in fact, Amendment No. 2.

6. SECRETARY:

7. Amendment No. 3 offered by Senator Rhoads.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Rhoads.

10. SENATOR RHOADS:

11. The amendment we just voted on, was that the one I
12. described, Mr. Clerk? All right. Okay. Amendment No. 3
13. as Senator Kosinski's bill is currently written, provides
14. that appointments will be made from nominees submitted by
15. the State Party Chairman. Now if the first board was
16. found to be unconstitutional because of Legislative
17. intrusion in the nomination process, there is no question
18. in my mind that Senator Kosinski's bill, if...if passed
19. as it is now written, will be found unconstitutional by
20. the the courts by involving the State Party Chairman.
21. I just don't see the sense in...in going ahead and passing
22. the bill as is when we know it's going to be found un-
23. constitutional. So this provision would delete the State
24. Party Chairman.

25. PRESIDING OFFICER: (SENATOR DONNEWALD)

26. Senator Kosinski.

27. SENATOR KOSINSKI:

28. Mr. Chairman and members of the Senate. I don't
29. know how you can say that this is unconstitutional.
30. The court probably will hand down its decision sometime
31. in January and until that final judgment is rendered,
32. I believe that it's premature to argue this type of
33. argument as far as unconstitutional. And I again, course
34. in my way, move that we defeat this amendment, but

1. Senator Maragos has something to say.

2. PRESIDING OFFICER: (SENATOR DONNEWALD)

3. Senator Hickey.

4. SENATOR HICKEY:

5. I...I'd like to ask the sponsor of the amendment is
6. he's really serious about any of these since be don't have
7. any copies of them on our desks.

8. PRESIDING OFFICER: (SENATOR DONNEWALD)

9. Senator Rhoads.

10. SENATOR RHOADS:

11. Well, yes, the...the amendments are offered in earnest.
12. They were were filed several days ago, they're...they've
13. been on the Clerk's Desk for quite some time, the Secretary's
14. Desk. Would you...well, we're not likely to get back to
15. this order of business, I'd be willing to get them distributed.

16. PRESIDING OFFICER: (SENATOR DONNEWALD)

17. Senator Maragos, for what purpose do you arise?

18. SENATOR MARAGOS:

19. First for...point of clarification from the sponsor
20. of the amendment and secondly, if this is the amendment
21. then I want...

22. PRESIDING OFFICER: (SENATOR DONNEWALD)

23. Just a moment...prior to...prior to that. Senator
24. Hickey have you concluded?

25. SENATOR HICKEY:

26. Yes, I have.

27. PRESIDING OFFICER: (SENATOR DONNEWALD)

28. Senator Maragos.

29. SENATOR MARAGOS:

30. Will the sponsor of the amendment please yield to
31. a question.

32. PRESIDING OFFICER: (SENATOR DONNEWALD)

33. Indicates he will.

34. SENATOR MARAGOS:

SENATOR RHOADS:

1. Which amendment are you talking...is that...is that the
2. one that meant to be a Floor Amendment No. 1, is that your
3. ...designation starts...amends Senate Bill 4, First Special
4. Session on page 1. Where's the language you're using
5. because you have two amendments that I don't if you...you
6. yourself...convince. That's the one. All right. This
7. has to deal with eliminating the advisory capacity of the
8. party chairman, is that correct?

9. SENATOR RHOADS:

10. Yes.

11. PRESIDING OFFICER: (SENATOR DONNEWALD)

12. Senator Rhoads.

13. SENATOR RHOADS:

14. That's correct.

15. PRESIDING OFFICER: (SENATOR DONNEWALD)

16. Just a moment. Will the members please be in their
17. ...own chairs and will we have some silence. Except for
18. those in debate. Proceed. Senator Maragos.

19. SENATOR MARAGOS:

20. Mr. President and members of the Senate. I rise in
21. opposition to this particular amendment. That we have
22. to have some input by the party system, by because by
23. the nature of the Constitutional language it says that
24. there should be members of each party that...and a fifth
25. member shall not be of any of the major parties. NOW,
26. that being the case, who's better qualified to designate
27. who is a good party member than the chairman of that
28. party. And as far as the Constitutional questions are
29. concerned, this is merely advisory. The final selection
30. to be made by the Constitutional officers who are elected
31. for each party as the bill now stands. So therefore,
32. I think the trumped-up smoke screen that has said that
33. this will be unconstitutional, I don't think is valid
34. and I think we should defeat this amendment.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Hynes.

3. SENATOR HYNES:

4. Mr. President and members of the Senate. I rise in
5. opposition to this amendment. It seems to me that this
6. bill is in excellent condition. It is the product of
7. careful study and long hours of deliberation and I think
8. it ought to remain in the...in the form it is...it is
9. presently in it, particularly insofar as this amendment
10. is concerned. As to the Constitutional objection, I
11. do not think it is well founded. The Supreme Court
12. has held the present system invalid on the ground that
13. the Legislative Branch of government was intruding into
14. what the court deemed incorrectly, in my judgment, but
15. never the less, the court deemed to be an executive
16. function. This does not involve the Legislative Branch
17. interfering or in...in being involved in...an executive
18. function. It involves the representatives of the political
19. parties in this State and therefore, does not run afoul
20. of the Supreme Court mandate. I think that it is
21. Constitutionally permissible to have the bill in the form
22. that it is presently before this Body and I think this
23. amendment ought to be defeated.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Further discussion? Senator Rock.

26. SENATOR ROCK:

27. Thank you, Mr. President and Ladies and Gentlemen of
28. the Senate. I too rise in opposition to the amendment
29. and would point out that the concerns expressed by
30. Senator Rhoads and others, with respect to this power,
31. as delineated in Walker versus The State Board of Elections
32. the...

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Excuse 'me, Senator Graham. Can we break up the caucus
2. behind Senator Graham? The Senators please take their
3. caucus off the Floor. May we have some order, please.
4. Senator Rock.

5. SENATOR ROCK:

6. Thank you, Mr. President. In that case, it said that
7. Section 5 of Article 3 of the Constitution, which is that
8. which simply says a State Board of Election shall have
9. general supervision over the administration and registration
10. and election laws throughout the State. And further says
11. no political party shall have a majority of members of
12. the board. Section 5, the court says, thus recognizes
13. in the General Assembly a wide discretion to choose an
14. appropriate method of selection To be measured against
15. this general recognition authority, nevertheless, is a
16. specific prohibition against Legislative appointment
17. that was the basis upon which the court held that the
18. prior selection process was unconstitutional. That
19. the Legislative Branch had their hand in. This bill, as
20. it now stands, cures that and I would suggest and hope
21. that Amendment No. 3 would be defeated.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Further discussion? Senator Graham.

24. SENATOR GRAHAM:

25. Now, Mr. President and members of the Senate. I'd like
26. to suggest to the members of this Senate that we're dealing
27. with an issue that may affect everyone of those who are
28. running in the next election. Now we can keep bickering
29. around with this kind of cheap talk if we want to and
30. on November the 30th, if we wind up down here without a
31. State Board of Elections and no one to receive our petitions,
32. then we're going to have to depend upon that Supreme Court
33. and I don't want to take that chance. Now perhaps, perhaps

1. the Supreme Court might uphold the proposition that the
2. State Chairman could get involved, but Gentlemen, the
3. people back home are not going to go with that. The
4. people back home want us to have a State Board that...that
5. is above that. Now if you want to indicate to them that
6. we're going to tangle up party politics and let them
7. be absolute in the conduct of the State Board of Elections
8. and you go on, go ahead and do it, you've got the votes.
9. And perhaps the press won't tell what's going on.
10. They would rather tell something about something that's
11. not very important. But you go ahead and do this and
12. some of you people that have to report to the people
13. in the rest of the State of Illinois are going to have
14. a hell of a time explaining it and I think that Senator
15. Rhoads' amendment is attempting to do something in that
16. regard and I'd like to have the people on this side of
17. the aisle support it.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Further discussion? (Machine cutoff)...discussion?
20. Senator Rhoads may close.

21. SENATOR RHOADS:

22. Thank you, Mr. President and members of the Senate.
23. Those of you who are Independents in either political
24. party, I think, ought to be supporting this amendment.
25. The idea that a State Party Chairman represents all
26. the people of...of that party is a...is a shaky one at
27. best. Often the State Party Chairman only represents
28. a fraction of a party. Secondly, as to the matter of
29. Constitutionality that Senator Rock disputes, Judge
30. Rhoads, no relation, in the recent Bresslin case cited
31. an Illinois Supreme Court case, Rudman versus Rini
32. In which he said that political parties are really
33. private associations, that they do not have a quasi
34. appointment powers. Now, it is true, as was stated

1. by Senator Maragos that the ultimate decision here, the
2. ultimate appointment would be made by a Constitutional
3. officer. But the, that officer, would be making it
4. from a list of nominees submitted by the party chairman,
5. so the idea that it is only advisory, I...I think is
6. misleading. I think this is a good amendment. You
7. have the protection that partisan members are going
8. to...be a...be appointed built into the Constitution
9. and you also have a...a member of of a party, a Consti-
10. tutional officer doing the appointing. So I certainly
11. think you...everyone ought to be supporting this
12. amendment.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. The question is on the adoption of Amendment No. 3
15. to Senate Bill 4. Those in favor say Aye. Opposed
16. Nay. Roll call has been requested. Those in favor
17. will vote Aye. Those opposed will vote Nay. The voting
18. is open. (Machine cutoff)...all voted who wished?
19. Have all voted who wished? Take the record. On that
20. question the Ayes are 27, the Nays are 29. Amendment
21. No. 3 is lost. Senator Rhoads is recognized.

22. SENATOR RHOADS:

23. Request a verification of the negative votes.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Been a request for a verification of the negative
26. votes. Will the members please be in their seats.
27. Secretary will call those who voted in the negative.

28. SECRETARY:

29. The following voted in the negative: Berman, Bruce,
30. Buzbee, Carroll, Chew, Clewis, D'Arco, Daley, Demuzio,
31. Donnewald, Egan, Guidice, Kenneth Hall, Johns, Joyce,
32. Knuppel, Kosinski, Lane, Lemke, Leonard, Maragos, Merlo,
33. Rock, Sangmeister, Savickas, Smith, Vadalabene, Washington,

1. Mr. President.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Rhoads.

4. SENATOR RHOADS:

5. Is Senator Daley on the Floor?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Daley on the Floor? Senator Daley on the Floor?

8. Take his name from the record, Mr. Secretary.

9. SENATOR RHOADS:

10. Senator Clewis.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Clewis is in Senator Daley's seat.

13. SENATOR RHOADS:

14. All right. Pardon me. Senator Newhouse.

15. PRESIDING OFFICER: (SENATOR BRUCE)

16. Senator Newhouse is not recorded.

17. SENATOR RHOADS:

18. Senator Merlo.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Senator Merlo on the Floor? Is Senator Merlo on the

21. Floor? Strike his name, Mr. Secretary. Senator Rhoads,

22. you question the presence of any other Senator? Senator

23. Rhoads. All right. Senator Chew requests the verification

24. of those who voted in the affirmative. Will the members

25. please be in their seats? Count stands now 27-27.

26. There's been a...request for the verification of the

27. affirmative vote. Gentlemen. Senator Shapiro, for what

28. purpose do you arise? May we have some order, please.

29. Senator Chew has withdrawn his request. On that question,

30. the Ayes are 27, the Nays are 27, on a verified roll call

31. and Amendment No. 3 is lost. Further amendments? For

32. what purpose does Senator Graham arise?

33. SENATOR GRAHAM:

1. I want...I want to know who's the presiding officer,
2. you or Senator Chew.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. I believe that I have been designated to do that.
5. Are there further amendments? Senator Hynes.

6. SECRETARY:

7. Amendment No. 4 offered by Senator Schaffer.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator...Senator Schaffer is recognized. Gentlemen,
10. could we have some order, please. If you wait just a
11. moment, Senator Schaffer.

12. SENATOR SCHAFFER:

13. Yeah, I think I will, as a matter of fact.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. We're off to a very noisy start today. If we can
16. just have a little order perhaps we can get to Amendment
17. No. 4. Senator Schaffer is recognized.

18. SENATOR SCHAFFER:

19. Mr. President, I'd like to thank Senator Chew and
20. Senator Rhoads for getting everybody warmed up for me.
21. Senate...Amendment No. 4 is pretty noncontroversial. It
22. adds the additional requirement that the State Board of
23. Election and County Clerks notify State and local political
24. committees of any...any Federal reports they're required to
25. file. I think those of us who are in the political arena
26. on the State level or the local level, may not realize that
27. there are some Federal requirements that we have to comply
28. with and what this...it simply means is that on the forms
29. that they mail out that they'll print an additional paragraph
30. notifying us of the two, two at the moment, Federal requirements
31. and any future ones that are required. I don't believe the
32. amendment's controversial and I move its adoption.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Is there discussion? Is there discussion? The question
2. is on the adoption of Amendment No. 4 to Senate Bill 4.
3. Senator Schaffer has moved the adoption. Those in favor
4. will vote Aye. Those opposed will vote Nay. The voting
5. is open. Have all voted who wish? Have all voted who wish?
6. Take the record. On that question the Ayes are 34, the Nays
7. are none, none Voting Present. Senate Bill 4 having received
8. the majority vote is declared adopted. Further amendments,
9. Mr. Secretary.

10. SECRETARY:

11. Amendment No. 5 offered by Senator Graham.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Graham is recognized.

14. SENATOR GRAHAM:

15. Mr. President...Senator Chew and Ladies and Gentlemen
16. of the Senate. I have a modest amendment here that will
17. hopefully, if adopted, will put a very badly drafted bill
18. in a very good and acceptable position. And briefly
19. I will explain to you what it does and I'm sure that some
20. of them by their inattention don't even want to know.
21. But with your help, Mr. President, I would like to explain
22. the amendment anyway. It provides an amendment to Senate
23. Bill 4 that an eight member board geographically represented
24. appointed by the Governor. Four from Cook County, four
25. from downstate, two Democrats and two Republicans from
26. each area. They will be confirmed by three-fifths of
27. the Senate. Makes corrective changes in the present law
28. to reflect the increase in the board members, which should
29. be done after, I'm sure, this amendment will be adopted.
30. Specifies that the board will convene at any time, four
31. members, so direct, instead of two. Specifies the quorum
32. shall be six members instead of three. Specifies that
33. the chief clerk may be removed at any time by a vote of

1. five members, instead of three members. Now, Ladies and
2. Gentlemen of the Senate. We could keep on playing politics
3. with the State Board of Elections all we want to. We can
4. keep on fiddling around and sending a bill down if he ever
5. ...if it ever gets down to the Governor's Desk. That
6. perhaps it will be unacceptable to the Chief Executive
7. Officer of this State and if it is, I might suggest to you
8. that under the Amendatory Veto that the old man's convention
9. of nineteen hundred and seventy gave him. He could do
10. something drastic to that bill. I might suggest to you,
11. Ladies and Gentlemen of the Senate, that proudly say that
12. you're in the political ring, when you get ready to file
13. your petitions on November the 12th, you may not have a
14. ring to put them in...or December the 12th. You might,
15. also, some of you feel more comfortable with the fact
16. that perhaps the Supreme Court will take over this
17. challenge and do as they please, and I think they 've
18. indicated to us, fellows, do something. Now there is
19. no way, you know it and I know it, that if this bill
20. survives the House of Representatives and they have
21. their own ideas over there, too, and should it go to
22. the Governor, he's not going to sign it. Now the
23. political fact is right in front of your very faces.
24. If that's...if that is the course that we want to
25. choose and we want to play Russian roulette with whoever
26. might accept our petitions and who...who should run
27. the State of Elections, then go ahead. I realize the
28. numbers game, I realize we don't have it. I realize
29. also, Gentlemen, that you're making a mistake. I'll
30. suggest it to you that you are making a mistake and when
31. you talk about geographical balance which cause more
32. deadlocks in the...in the prior State Board of Elections
33. than political balance, you're going to create that very

1. situation again. But if you had four from downstate and
2. four from Cook County, those people could better represent
3. the downstate people, better indicate to the people of
4. the State of Illinois that were genuinely elected and
5. all of them having a participant in all this conduct
6. for the State Board of Elections. If that is not what
7. you choose to do, then go ahead and defeat this amendment.
8. But if you want to do something that I think is right
9. and that you know is right, even though your political
10. persuasion may not let you do it, but you know it's
11. right, then defeat this amendment. And when you do, when we
12. ...when we go out here on November the 30th and whenever
13. we adjourn and we have no State Board of Elections because
14. we could not accept our responsibility as Legislators remember
15. that John Graham told you so. I ask for a favorable roll call.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Further discussion? Senator Maragos.

18. SENATOR MARAGOS:

19. Will the sponsor of the amendment yield to several
20. questions. Indicates that he will yield, Senator Maragos.

21. SENATOR MARAGOS:

22. Senator Graham, is this a...a...this amendment similiar
23. to the bill we had in Elections Committee which was defeated?

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Graham.

26. SENATOR GRAHAM:

27. It's similiar to the bill that you fellows refused to
28. even extend me the courtesy of letting out on the Floor, yes.
29. And I might suggest to you that in nineteen hundred and seventy-
30. nine we might have the same opportunity.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Maragos.

33. SENATOR MARAGOS:

1. Senator Graham, I...I would appreciate if you'd answer
2. the questions and eliminate the editorial comments, please.
3. So, I'd like to ask further, sir, does this...is this eight
4. man board going to be paid full time or are they going to
5. be part time?

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Graham.

8. SENATOR GRAHAM:

9. I would suggest it's a part time board and I would
10. suggest that the board should be a per diem thing.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Maragos.

13. SENATOR MARAGOS:

14. Isn't one of the objections after we had a full hearing
15. in the Elections Committee, Senator Graham, one of the
16. main objections is that this would create an election
17. desire in a person of a chief clerk or a chief executive
18. director would be responsible to neither party and who
19. would be in himself, one man Election Board. Isn't that
20. one of the main objections that was brought up at that
21. time during the hearing?

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Senator Graham.

24. SENATOR GRAHAM:

25. That main objection was brought up and I agreed that
26. there is that great possibility of that...I...I'm willing
27. to yield from that position. I'm not like some people,
28. I'm not welded in stone on this. I'm willing to compromise.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Maragos.

31. SENATOR GRAHAM:

32. I would be very, very willing to eliminate that possibility.

33. PRESIDING OFFICER: (SENATOR BRUCE)

1. Senator Maragos.

2. SENATOR MARAGOS:

3. Well, I...I'm thankful for your frankness and honesty,
4. Senator Graham because that's what...the same sentiments
5. you expressed in committee, that you had some doubts about
6. this particular...amendment because of the form that its
7. in and until it is cured in some of its aspects, I would
8. vote...I would support a motion at this time to defeat
9. this particular amendment because it has many, many other
10. pitfalls which would be...in which we create a monster
11. greater than than what we have now without an Election
12. Board.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Senator Graham.

15. SENATOR GRAHAM:

16. I think Senator Maragos may have this amendment
17. tangled up with a lot of others on his desk. This
18. amendment doesn't say anything about an executive director.
19. I realize there's a potential hazard there, it's not in
20. there, Sam. Well, the chief could...

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. All right.

23. SENATOR GRAHAM:

24. That is in the board now.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Thank you, Senator Graham. I have Senators Hall, Kosinski
27. and Regner who have sought recognition of the Chair. Senator
28. Kenneth Hall.

29. SENATOR HALL:

30. Thank you, Mr. President. Mine was a point of personal
31. privilege, Mr. President. Mr. President...I...I just want
32. to apologize to the Senate. I was off the Floor and I
33. guess that maybe I should wait until the conclusion, but

1. there was an amendment put on the...Amendment 4 and I was
2. called off the Floor and I don't know what the amendment
3. did. But I'll wait till after, maybe somebody can tell
4. me what Amendment 4 did.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. All right. Senator, Senator...Senator Kosinski.

7. SENATOR KOSINSKI:

8. Mr. President and members of the Senate. We normally
9. try to extend courtesies to one another who sponsors
10. the bill and if there are any amendments that the amend-
11. ments would be presented to them. I have not received the
12. last two amendments and I feel very strongly about the
13. cooperation of...on the other side of the aisle. I...I'd
14. love, like Senator Graham has been a very, in my estimation,
15. a very dear friend and a very good political leader and a...
16. and a very good Senator, plus. I feel very strongly about
17. the four man board. And I stand here to defend that bill
18. and I move and I ask the Body to vote against the amendment.

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Further discussion? Senator Regner. Senator Graham,
21. could you convey a copy of your amendment over to the
22. sponsor of the bill? Thank you. Senator Regner.

23. SENATOR REGNER:

24. Just a couple of questions of the sponsor of the
25. amendment.

26. PRESIDING OFFICER: (SENATOR BRUCE)

27. Indicates that he will yield. Senator Graham, Senator
28. Regner has...has questions of you. Senator Regner.

29. SENATOR REGNER:

30. Senator Graham, if I understand it, this...this
31. amendment makes no reference at all to an executive
32. director such as the bill that was heard last week in
33. committee did.

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. Senator Graham.

3. SENATOR GRAHAM:

4. That's correct.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Regner.

7. SENATOR REGNER:

8. And it allows the board to choose their own chairman,
9. there...there is no input or appointment by the Governor
10. or anything like that as far as the chairman or an executive
11. director?

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Graham.

14. SENATOR GRAHAM:

15. That is correct, Senator.

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. Senator Regner.

18. SENATOR REGNER:

19. Thank you, I just wanted to clear that up and I favor
20. the amendment.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Further discussion of Amendment No. 5? Senator Graham
23. moves the adoption of Amendment No...Senator Graham, did
24. you wish to close? Senator Graham.

25. SENATOR GRAHAM:

26. I would only like to say this to you Gentlemen. I
27. don't think...and Ladies...I don't think there's any-
28. body who feels that either House is going to pass a
29. bill that will be ultimately the bill which will create
30. a new State Board. I do think, however, that a bill
31. sent out of here in the best condition possible will
32. lend itself more to positive consideration by that
33. ultimate Committee on Conference. And I suggest to

1. you that if you consider favoring this amendment this will
2. will be in that condition. I ask for a favorable roll call.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. The question is on the adoption of Amendment No.5 to
5. Senate Bill 4. Those in favor vote Aye. Those opposed vote
6. Nay. The voting is open. Have all voted who wish? Have
7. all voted who wish? Take the record. On that question the
8. Ayes are 27, the Nays are 29, none Voting Present. Amendment
9. No. 5 having failed to receive a majority vote is declared
10. lost. Further amendments, Mr. Secretary?

11. SECRETARY:

12. No further amendments.

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Are there...3rd reading. For what purpose does
15. Senator Graham arise?

16. SENATOR GRAHAM:

17. When we arrive at that point of motions, I would like
18. to make one relative to the discharge of the committee.
19. Is it the rule of the Chair, that have to be in writing, or
20. do it orally from the Floor? Usually we've done it from
21. the Floor. I'd do it any way you want to.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. I was going to say, if it's requested in writing, you
24. would have to put it in writing, perhaps just to jot it
25. down would save us at the Chair a little problem later
26. on. Why don't you just put it in writing.

27. SENATOR GRAHAM:

28. Does the Secretary want that in English or German or
29. what? English, preferably?

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. Under our bilingual approach, you can put it in either
32. in English or Spanish, it's acceptable.

33. SENATOR GRAHAM:

1. All right. Thank you very much.

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. On the Order of 3rd reading, First Special Session is
4. Senate Bill 12. Senator Sangmeister. Senator Sangmeister
5. did you wish to have this bill read a third time or did
6. you wish to return it to 2nd for . any amendments?

7. All right. The Secretary will read the bill a third time.

8. SECRETARY:

9. Senate Bill No. 12.

10. (Secretary reads title of bill)

11. 3rd reading of the bill.

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. Senator Sangmeister.

14. SENATOR SANGMEISTER:

15. Mr. President and members of the Senate. The bill that's
16. before you this morning creates the State's attorneys'
17. Appellate Service Commission as an agency of State government
18. and also there's an appropriation bill to supplement it.
19. The purpose of this bill, as many of you I'm sure, have
20. heard from your State's attorneys that their appeals have
21. gone up something like eight hundred and eleven percent
22. since 1969 through 1976. It's incumbent upon a judge today
23. to even advise a defendant that he is entitled to appeal
24. a guilty plea. And as a result the State's attorneys have
25. been swamped with appellate court cases. And as a result
26. it has been a burden on all the offices. Now what this
27. bill does is, thru a participation by the State's Attorney
28. which is voluntary on his part and by your own county
29. boards, the county boards will contribute toward this
30. particular program and also the State will. The funding
31. will be one-third, two-thirds, but it's not mandated on
32. your county, it's voluntary whether they want to be
33. involved. I would say to you that the cost from the

1. county will be far less than it will be for you to hire an
2. Assistant State's Attorney to be handling appeals in your
3. particular area. I'll be happy to answer any questions
4. on the bill. I think it has some bipartisan support and
5. Senator Harber Hall is a hyphenated cosponsor on this
6. bill, I don't see him on the Floor this morning, but I'm
7. sure he supports what I said. If there are any questions
8. I'll be happy to answer.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Senator Philip.

11. SENATOR PHILIP:

12. Yeah, thank you, Mr. President. I just might...might
13. make a suggestion, Senator Sangmeister. The only way to
14. solve this problem is to get rid of the public defenders
15. for the appellate court cases, that's what happened to
16. you. Here about six or eight years ago, the great big
17. powerful government from Washington came down here and
18. offered us X amount of dollars to put on public defenders
19. for appellate court criminals, which we did in our lack
20. of wisdom. And that's why your appeals have gone up
21. eight hundred percent. And if we were smart and had any
22. kind of a wisdom, we would abolish that department and forget
23. about it and your cases would go down right back where they
24. should be.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. Senator Egan.

27. SENATOR EGAN:

28. Thank you, Mr. President. Senator Netsch. I...I'm
29. fully support of the bill because of the...of the need
30. that the State's Attorneys have from the manpower on
31. appeals, but I do have a question. And perhaps Senator
32. Philip can answer it. Why doesn't the Attorney General
33. do this?

1. PRESIDING OFFICER: (SENATOR BRUCE)

2. If the sponsor of the...the bill is Senator Sangmeister.

3. SENATOR EGAN:

4. Yes, and Senator Hall, he's not on the Floor. But I'd
5. be curious to know why the Attorney General doesn't do this.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. No one wishes to answer your question, Senator Egan,
8. perhaps...

9. SENATOR EGAN:

10. Apparently, apparently there is no answer.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. ...perhaps it's rhetorical in nature and you just
13. didn't know it. Senator Glass.

14. SENATOR GLASS:

15. Well, Mr. President, Ladies and Gentlemen. I imagine
16. if we wanted to appropriate the money to the Attorney General
17. and have him hire the people to handle the appeals, maybe
18. he would do it. But I...I think probably as long as there
19. is the appellate defender legislation on the books, the
20. State's Attorneys are...are simply overwhelmed with the...the
21. job of having to handle the volume of appeals that they do.
22. And I...I think this is an intelligent way to provide the
23. necessary appellate machinery. I would like to...and I'm
24. going to support the bill. I would, however, like to ask
25. Senator Sangmeister what this will cost, this program,
26. if you have figures?

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Sangmeister.

29. SENATOR SANGMEISTER:

30. Yes, I have figures and the total cost is five hundred
31. and eighty-eight thousand. Broken down roughly and rounded
32. off, around three hundred and ninety-two thousand for the
33. State and a hundred and ninety-six thousand for the counties.

1. And again though, the...the program as you understand is
2. voluntary. If your State's Attorney wants to work it out
3. with its county board that he prefer to handle his own
4. appeals and not contribute toward that fund it would cost
5. the county nothing.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Okay. Senator Knuppel.

8. SENATOR KNUPPEL:

9. Mr. Chairman and members of the Body. I'm going to
10. support this, but I agree with Senator Philip to the
11. extent that when we come back here after the first of
12. January, let's see what we can do about getting rid
13. of both of them. Really and actually, in the kind of an
14. area that I come from, I think it probably represents
15. half of the counties in the State of Illinois. What
16. you're doing here is subsidizing some young lawyer to
17. establish his practice, that's what you're doing. He's
18. paid in counties where he can engage in active practice
19. as well as handling the State's Attorneys' work, he
20. gets twenty-five thousand dollars a year and office
21. expenses. Without that dinero he would make about twelve
22. to fourteen thousand dollars a year out starting with
23. some law firm and maybe a heck of a lot less than that
24. if he had to practice on his own. So what you're doing
25. is saying to him, you got an appeal, the State will
26. pay for it, you go on and...and work your civil practice.
27. Now we're going to have to do two or three things here.
28. One of them is, we're probably going to have to either
29. prohibit State's Attorneys from practicing law which
30. I think is very expensive because then they're going
31. say, well that guy in the big county gets forty-two
32. five if I can't practice law. Anybody in counties
33. over thirty thousand can't practice. Actually, this is

1. a start of another monster that will grow and grow and grow
2. to the benefit of the Bar Association, those members of
3. the Bar Association who are State's Attorneys. I'm going...
4. I'm going to vote for it as long as we got the public
5. defender thing, I guess you got to have somebody to...to
6. head...head somebody else off, but I think both of them
7. ought to be abolished and the counties that have it should
8. pay...pay the bill or either the Attorney General should
9. do it and he'd have some control over it. But in this
10. way all you're doing in fifty percent of the counties is
11. subsidizing some young State's Attorney to spend his
12. time on civil practice while somebody else does his
13. work at the appellate level.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Davidson.

16. SENATOR DAVIDSON:

17. I rise in support of this legislation. If any of
18. you have talked to any of your counties who have a
19. State's Attorneys office which have active participation
20. on the appeal and almost all of them are being appealed
21. today, you understand the real necessity. This is going
22. to cost the county some, but it certainly gives them the
23. opportunity to spread the burden and more importantly
24. get their staff, which is charged with prosecuting the
25. local level back to doing the current cases on board
26. and not worry about handling the appellate cases or
27. let them go by default. This is good legislation. I
28. urge a Yes vote.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Senator Guidice.

31. SENATOR GUIDICE:

32. Thank you, Mr. President. Will the sponsor yield
33. to a question?

1. PRESIDING OFFICER: (SENATOR BRUCE)
2. Indicates he will yield. Senator Guidice.
3. SENATOR GUIDICE:
4. How is it handled at the present time, Senator.
5. PRESIDING OFFICER: (SENATOR BRUCE)
6. Senator Sangmeister.
7. SENATOR SANGMEISTER:
8. Well presently, because of the problem that they've
9. had, the State's Attorneys Association as such, has
10. put together their own program and they've asked the
11. counties already to voluntarily contribute toward it
12. and they have. And of course the bulk of the money is
13. coming from IIEC.
14. PRESIDING OFFICER: (SENATOR BRUCE)
15. Senator Guidice.
16. SENATOR GUIDICE:
17. What's the problem with continuing that type of a
18. program?
19. PRESIDING OFFICER: (SENATOR BRUCE)
20. Senator Sangmeister.
21. SENATOR SANGMEISTER:
22. It's my information that the funds will not be forthcoming
23. from IIEC anymore to support the program and, of course the
24. counties have been contributing on a voluntary basis, so
25. there's no real big change for them.
26. PRESIDING OFFICER: (SENATOR BRUCE)
27. Senator Guidice.
28. SENATOR GUIDICE:
29. Has the State or...yeah, has the State...not been represent-
30. ed in these appellate proceedings, because of lack of
31. funds?
32. PRESIDING OFFICER: (SENATOR BRUCE)
33. Senator Sangmeister.

1. SENATOR SANGMEISTER:
2. Well, I...I'm sure not. I don't know of any particular
3. case, you mean where appeal has just gone because it hasn't
4. been handled? NO, I would think each of the State's Attorneys'
5. have been able to get it done, but they've been able to get it
6. done through this other program that now is running out and
7. that we're going to have to pick up.

8. PRESIDING OFFICER: (SENATOR BRUCE)
9. Senator Guidice.

10. SENATOR GUIDICE:
11. How is this going to affect Cook County?
12. PRESIDING OFFICER: (SENATOR BRUCE)
13. Senator Sangmeister.

14. SENATOR SANGMEISTER:
15. This does not affect Cook County because they have
16. their own appeal division, so the Cook County...and I'm
17. glad you brought that up, I should have stated that in
18. my opening remarks. Cook County is not involved in this
19. bill. The only way they're involved is on the commission
20. that is established under the bill. Cook County State's
21. Attorney is automatically a member of that commission,
22. so he has input into it, but he has his own appellate
23. staff in Cook County.

24. PRESIDING OFFICER: (SENATOR BRUCE)
25. Senator Guidice.

26. SENATOR GUIDICE:
27. All right, the...the funds that you are...are planning
28. to use to fund this particular program are what funds now?
29. PRESIDING OFFICER: (SENATOR BRUCE)
30. Senator Sangmeister.

31. SENATOR SANGMEISTER:
32. They are the breakdown of the funds as I gave them,
33. which was again...three hundred and ninety-two thousand

1. from the...from the State and a hundred and ninety-six
2. thousand is from the county. Now you're...you're right,
3. the State will be participating in the two-thirds part
4. of it, but Cook County will be obviously contributing
5. nothing toward this program because they will not be
6. participating in it.

7. PRESIDING OFFICER: (SENATOR BRUCE)

8. Senator Guidice.

9. SENATOR GUIDICE:

10. Thank you.

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Further discussion? Senator Sangmeister may close.
13. In your closing remarks, oh, thank you, it is immediately
14. effective and will require a three-fifths vote. The
15. Chair was going to ask you that. Senator Sangmeister may
16. close.

17. SENATOR SANGMEISTER:

18. Well, I don't think there's much more to be said. I
19. appreciate those who have stood up in support of the
20. bill and for those who are concerned about what we are
21. starting like we did with the appellate defender, I,
22. in some respect agree with that, but we have to face
23. realities and we do have the appellate defender system
24. and...I presume that is contributed to the amount of
25. appeals that we have, but so, of course, also is the
26. law. And we've got to handle these appeals and I think
27. this is a reasonable approach and I would ask for a
28. favorable vote.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. The question is shall Senate Bill 12 pass. Those
31. in favor vote Aye. Those opposed vote Nay. The voting
32. is open. Have all voted who wish? Have all voted who
33. wish? Take the record. On that question the Ayes...the
34. Ayes are 54, the Nays are 1, none Voting Present. Senate

1. Bill 12 having received a constitutional majority is declared
2. passed and the bill having received the affirmative votes
3. of three-fifths of the members elected is effective immediately
4. upon its becoming a law. Senator Kosinski. Did...did you
5. wish to go back to 4 after intervening business? Senate
6. will stand at ease for just one moment while we have the
7. bill brought back up. On the Order of 3rd reading is
8. Senate Bill 4 in the First Special Session. Read the
9. bill a 3rd time Mr. Secretary.

10. SECRETARY:

11. Senate Bill 4.

12. (Secretary begins reading title of bill)

13. PRESIDING OFFICER: (SENATOR BRUCE)

14. Take that from the record. In the First Special
15. Session on the Order of Senate Bills 3rd reading appears
16. Senate Bill 4. Read the bill, Mr. Secretary.

17. SECRETARY:

18. Senate Bill 4.

19. (Secretary reads title of bill)

20. 3rd reading of the bill.

21. PRESIDING OFFICER: (SENATOR BRUCE)

22. Senator Kosinski is recognized. May we have some
23. order, Gentlemen.

24. SENATOR KOSINSKI:

25. Mr. President and members of the Senate. Senate Bill
26. 4 establishes a four member board. Two members appointed
27. by the Governor and two by the first of the following
28. executive officers affiliated with a political party whose
29. nominee for governor is the most recent general election
30. received the second highest number of votes. The Attorney
31. General, Secretary of State, Comptroller or State Treasurer.
32. Second, it requires that the Governor appoint two members
33. from a list of four names submitted by the Chairman of the

1. State Central Committee of the Governor's political party
2. and that the executive officer of the other major political
3. party appoint two members from a list of four names submitted
4. by the Chairman of the State Central Committee of the
5. Executive Officers Political Party. It subjects all such
6. appointments through confirmation by a sixty percent vote
7. of the members elected to the Senate. It requires that
8. the Governor's appointees, one member be from Cook
9. County and one from downstate. And that the executive
10. officers appointees be, one member from Cook County and
11. one from downstate. It requires that the Governor
12. appoint all four members to the board when all the
13. executive officers are affiliated with the Governor's
14. political party. And that two of the appointees be from
15. a list of four names submitted by the Chairman of the
16. State Central Committee of the Governor's own party and
17. two from a list of four names submitted by the Chairman
18. of State Central Committee of the other major party.
19. Subjects all appointments to confirmation by a sixty
20. percent vote of the members elected to both houses of
21. the General Assembly.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. May we have some order please, Gentlemen and Ladies.
24. Senator Kosinski.

25. SENATOR KOSINSKI:

26. It requires that the Governor submit in writing to
27. the President of the Senate and the Speaker of the House,
28. the names of each such appointees and that both houses of
29. the General Assembly confirm or reject the appointees
30. within a sixty Session days. It requires that vacancy
31. be filled in the same manner as original appointments
32. and within thirty days of it becoming vacant. It repeals
33. the present method by which the Governor appoints members

1. of the board from nominees selected by the leaders of the
2. General Assembly and the existing tie breaking mechanism
3. in Article IA-7 of the Election Code. It requires each
4. appointment for a new term to be made by February 15th of
5. the new year in which the existing term ends to become
6. effective on June 30th of such year. This bill is an
7. attempt to cope with the confusion presenting surrounding
8. the State Board of Elections as a result of the decision
9. of the Illinois Supreme Court and the case of Walker
10. versus State Board of Elections, 65 Illinois 2nd of 543,
11. 1976. It attempts to resolve the courts objections to
12. the present board by making the appointive mechanism
13. strictly executive without any Legislative Branch involve-
14. ment other than confirmation and by eliminating the tie
15. breaking procedure. By repealing the tie breaking language
16. in Section IA-7, Chapter I and substituting no new procedures
17. in its place, the bill would be governed by the provisions
18. in Section IA-7 of the Election Code, not contained in this
19. bill. Declaring that three members of the board constitute
20. a quorum and that the majority of the members voting is
21. necessary for an action of the boards to become effective.
22. Mr. President and members of the Senate, I can't say it
23. strongly enough that the four man board could do a good
24. job. It would be less expensive for the taxpayer. An
25. eight man board is, in my consideration, too confusing
26. and much more money being spent for their salaries. This
27. is good legislation, good government, good for the people.
28. Mr. President, I now move for a favorable roll call.
29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Thank you...Senator Kosinski. I have the following
31. Senators who sought recognition. Senators Graham, Rhoads,
32. John...Johns and Wooten. Senator Shapiro. Senator Knuppel,
33. didn't I not say your name? I'm sorry. Graham, Rhoads,

1. Johns, Wooten, Knuppel, Shapiro. Senator Graham is recognized.

2. SENATOR GRAHAM:

3. Mr. President and members of the Senate. I have a
4. mutual respect for Senator Kosinski that he expressed in my
5. behalf a little while ago. I have a difference of opinion
6. of him with regard to this bill. I might suggest to you that
7. we are again playing Russian roulette and if that's what
8. we want to do, that's what we want to do. I could say also
9. to you that the four member board, two appointed by some
10. other officer, in this case it would be Alan Dixon. And
11. if that were to be the case in...in the future over which
12. no one has real control, I would not be as concerned as
13. I am now. But actually, in a very sensitive board like
14. this with a very sensitive function, handling campaign
15. disclosures, economic statements, petitions, conduct of
16. elections and what have you, the varied jobs that
17. we've given them under the mandate of the Constitution.
18. It is just plain simple, Ladies and Gentlemen, the buck
19. has to stop somewhere, now the buck can't stop in the
20. Secretary of State's office and in the Governor's office.
21. For goodness sake, what are you trying to do. I know
22. your feelings. I know that you want to recognize your
23. Secretary of State as being an able and competent man
24. and I do too. I'm not sure he's going to be there in
25. four years and you're not either. And who might it be
26. then. This is foolhardy, my friends, foolhardy. We're
27. sending a piece of legislation out of here that would
28. not, in my opinion, and I just renewed my legal license,
29. been practicing without a license all morning. You know
30. and I know, the Supreme Court won't buy this piece of
31. paper. Why are we doing it? Let's make our campaign
32. speeches on the Floor this morning with regard to this
33. bill and let's have it over with. But let's finally settle

1. down and introduce and come to an agreement on a bill, ...which
2. will constitute a board, State Board of Elections, that will
3. work, that will work. You talk about the people in the State
4. being affected, who can be more badly affected than a State
5. Board of Election that has no control over or no williness
6. to do anything about the economic statements, campaign
7. disclosure and all those things, who the Mr. Clean's all
8. over the State say is a very important function. Now
9. Gentlemen, if we are going to suggest to the Governor
10. in finality, that this is a kind of a proposition and this
11. only is the one he's going to have on his desk, I can assure
12. you that we will not have a State Board. Now if that's what
13. you want, that's what you want and you've got the votes. But
14. I'm suggesting to the people on my side of the aisle that
15. this...that this is the best that the Democrats can come up
16. with, then let's let them pass it. I'll have no part of it.
17. Thank you very much.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Rhoads.

20. SENATOR RHOADS:

21. Question of the sponsor, if he will yield.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Indicates he will yield. Senator Rhoads.

24. SENATOR RHOADS:

25. Senator Kosinski, on page 2, line 12 of your bill you
26. say that the Governor shall appoint four members to the
27. board, two from a list of four nominees submitted by the
28. Chairman of the State Central Committee of the Governor's
29. political party and two from a list of four nominees sub-
30. mitted by the Chairman of the State Central Committee of
31. the political party whose nominee for governor in the most
32. recent general election received the second highest number
33. of votes. You go on to say the residence of the members

1. shall be the same as set forth in subparagraph two, herein.
2. Now if we refer back to subparagraph two on page 1, you say'
3. that the...the party, two members from a list of four nominees,
4. submitted by the Chairman of the State Central Committee,
5. I'm reading from line 33 and 34, submitted by the Chairman of
6. the State Central Committee of the Executive Officer's political
7. party, one of whom shall reside within Cook County and one
8. of whom shall reside within the State, but outside Cook County.
9. And my question, Senator Kosinski, is a point of clarification
10. here? Have you got an amendment? What...what is the amendment?

11. PRESIDING OFFICER: (SENATOR BRUCE)

12. Senator Kosinski.

13. SENATOR KOSINSKI:

14. The...the matter has been clarified by this amendment
15. that we had in committee and approved by the Body, so your
16. questions are all answered in this... Substitutes paragraph
17. one and 2 of this section.

18. PRESIDING OFFICER: (SENATOR BRUCE)

19. Senator Rhoads.

20. SENATOR RHOADS:

21. Well, would...would you mind explaining the amendment
22. again. The...the question is an obvious one. What is to
23. prevent the party chairman from submitting only one name
24. from Cook County and three names from downstate, thereby
25. forcing the constitutional officer to pick only...the only
26. names submitted from Cook County.

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. Senator Kosinski.

29. SENATOR KOSINSKI:

30. Well, I...would the chairman really give one name? Let's
31. look at it sensibly.

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Senator Kosinski. Senator Rhoads.

1. SENATOR RHOADS:

2. The point I'm trying to clarify here, is what language
3. in the bill prohibits the Chairman of the State Central
4. Committee from submitting only one name, rather than two
5. from a specific geographic area. This...this opens
6. up a little bit of a loophole so that the...the constitutional
7. officer would have no choice but to pick the one person
8. submitted.

9. PRESIDING OFFICER: (SENATOR BRUCE)

10. Well, perhaps Senator Rhoads, if you had another
11. question Senator Kosinski can look up that in his closing
12. remarks, could answer your question.

13. SENATOR RHOADS:

14. Well, that...that was part of the problem that I was
15. attempting to...to deal with...with Senate Amendment No. 3
16. which was defeated. Mr. President, I have an inquiry of
17. the Chair. This bill has an immediate effective date on
18. it. How many votes does it take to pass?

19. PRESIDING OFFICER: (SENATOR BRUCE)

20. Require a three-fifths majority of the members elected
21. to be effective immediately. Senator Rhoads.

22. SENATOR RHOADS:

23. Well, thank you, then, Senator Kosinski is ready I
24. guess.

25. PRESIDING OFFICER: (SENATOR BRUCE)

26. All right. Senator Kosinski.

27. SENATOR KOSINSKI:

28. All I can tell you, Senator, that since the bill says
29. that two will be chosen from the County of Cook and two
30. to be chosen from...from downstate.

31. PRESIDING OFFICER: (SENATOR BRUCE)

32. Senator Rhoads.

33. SENATOR RHOADS:

34. Senator Kosinski, the bill doesn't say that. Where does

1. the bill say that?

2. PRESIDING OFFICER: (SENATOR BRUCE)

3. Senator Kosinski.

4. SENATOR KOSINSKI:

5. ...one and two.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. Senator Rhoads. And your time expired.

8. SENATOR RHOADS:

9. Yes, the...the, you're...you're correct in your
10. representation that the...that you must have two members
11. from upstate and two members from downstate, but that
12. doesn't, that isn't binding on the party chairman for
13. the nominees that he presents to the constitutional
14. officer. You're saying that the party chairman will
15. submit four names to the constitutional officer. One
16. of those that he selects must be from Cook County
17. and one from downstate, but you do not say that that
18. party chairman must submit two from Cook County and
19. two from downstate. He could conceivably submit only
20. one name from Cook County, thereby forcing the consti-
21. tutional officer to...to make that choice. It...it
22. defeats the whole purpose of your...of your provision
23. here.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Kosinski.

26. SENATOR KOSINSKI:

27. Well, it's not the general census of it. I...I
28. don't know what..what else I can say by reading what
29. was in the bill and...if there are any...let's...let's
30. hold..hold the bill. Let's...let's look at it again,
31. I...

32. PRESIDING OFFICER: (SENATOR BRUCE)

33. Well, perhaps, Senator perhaps you...perhaps you
34. could look up the question and in your closing remarks

1. answer that to the benefit of the Body. Senator Johns.

2. SENATOR JOHNS:

3. There's a definition of downstate, just outside of
4. Cook County, you know, I don't know what you mean by
5. downstate, Senator Kosinski.

6. PRESIDING OFFICER: (SENATOR BRUCE)

7. It says outside of Cook County.

8. PRESIDING OFFICER: (SENATOR BRUCE)

9. Senator Johns.

10. SENATOR JOHNS:

11. So many people think Kankakee is downstate, you know,
12. and it is, some people say, but even some people just
13. DuPage County is downstate. Thank you, Mr. President.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Wooten.

16. SENATOR WOOTEN:

17. Thank you, Mr. President and colleagues. I voted
18. for this bill in a lighthearted moment in committee
19. to get it out so we could hurry up and have it declared
20. unconstitutional and be done with it once and for all,
21. but I suppose the vote on final reading has to be
22. addressed a little more seriously than that. The thing
23. that bothers me about every approach we have taken to
24. this problem is the absolute conviction of the political
25. parties involved that the other side is totally unscrupulous
26. and cannot be trusted. Cannot be trusted to the smallest
27. degree. And so all of the bills that we have presented
28. further enhance the intense partisanship that has marked
29. this State for many years. I think it'd be nice if we'd
30. put on an amendment saying that the members of that board
31. could only be, let's say, CPA's from Colorado who had
32. never voted for anything or assistant plumbers from
33. Georgia, just get it completely outside the pail of

1. State politics. The intrusion of our...State Chairman in
2. the process, I think is the ultimate step in this direction.
3. And because of that, I think the bill is going to have
4. serious constitutional problems and I certainly cannot
5. support it in that form. I think that at this juncture,
6. what we ought to do is all line up behind Senator Buzbee
7. and get the Constitution amended and be done with it that
8. way. Because this Body simply does not seem to be able
9. to present any solution that's going to work.

10. PRESIDING OFFICER: (SENATOR BRUCE)

11. Senator Knuppel.

12. SENATOR KNUPPEL:

13. Well, this whole concept in the Constitutional Convention
14. started as a joke. The whole concept that there should be
15. a...a Board of Elections. I still remember Shuman coming
16. over to me and saying vote for this and let's have a little
17. fun and then we never got it out again. It's like Senator
18. Souers used to say, how do you get the garlic out of the
19. broth, and there's no way. And there's no way you can
20. provide a tie breaker that doesn't present some political
21. leverage unless you go to breaking ties by lot. Now that's
22. the only way in the world you can ever break a tie of this
23. nature is by lot. Let's get it a bill. You can't do it
24. by choosing some supposedly unbiased person. There is no
25. such animal who serves in a political office anywhere in
26. the State of Illinois. Maybe...maybe if you chose the...
27. somebody that was nonpolitically entirely a bishop or somebody
28. to sit on there and who wasn't either a Democrat or a
29. Republican or a priest or some...something else, but you
30. can't break ties with political people. Secondly, this
31. bill is constitutional is hell when you say that the two
32. parties have it locked in. That nobody can serve on
33. this board unless he's been selected and nominated by

1. one of the two political parties. It's possible that there
2. are Independents or that there might be a Whig Party or a
3. Mugwump Party or some other party. Or there might we an
4. individual you know who didn't consider himself an
5. independent a Mugwump or a Whig but just considered himself
6. a citizen. Now this bill obviously from the questions that
7. have been asked by Senator Roe...Rhoads or...is in no shape
8. to go before this Body on 3rd reading. It should be withdrawn
9. to correct the geography question. There must be something
10. done about...about the selection of these nominees because
11. you are locking the...the Governor in, you're restricting
12. at least half of his vision because he can't choose anybody
13. but Democrats or Republicans and I agree. I want a good
14. bill...it started out as a joke...I want a good bill if...if
15. we can get one. I don't really think we can. I've had
16. more laughs out of this bill and the fact that I spoke
17. against in the Constitutional Convention, I'm still against
18. it. I agree with Senator Buzbee about the only way to solve
19. this problem is just to amend it to hell out of the Constitution
20. and get on with something else. We spent a tremendous
21. amount of time with it.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Channel 20 has requested permission to shoot film. Is
24. ...is there leave? Leave is granted. Senator Shapiro.
25. For what purpose does Senator Kosinski arise?

26. SENATOR KOSINSKI:

27. I'd like to answer Senator Rhoads. In the first place,
28. Senator Rhoads...

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Wait...wait a minute, Senator...Kosinski, perhaps we
31. should wait until we get another question or you can,
32. on your closing remarks, and the Chair will be advised
33. that you'll have sufficient time to answer. Senator
34.

1. SENATOR SHAPIRO:

2. Well, Mr. President and Ladies and Gentlemen of
3. the Senate. If the only question as Senator Kosinski
4. pointed out were whether it was going to be a four
5. man board or an eight man board, we could get this
6. situation resolved fairly quickly, I believe. But
7. it's the rest of the garbage that's in the bill that
8. really concerns me. How can we pass a bill out of here
9. that gives to the chairman, a person who may be elected
10. by the people of this State of Illinois, but he's chosen
11. chairman by his colleagues who serve on the State Central
12. Committee and therefore is not a...a person in that
13. capacity chosen by the people, how we can give that
14. power to present nominees to the Governor and the other
15. constitutional officers the bill calls for is beyond me.
16. The court of this State has already precluded Legislative
17. leaders who are chosen by their colleagues from presenting
18. nominees, they ruled it unconstitutional. They have ruled
19. unconstitutional, the chairman and local political parties
20. from making appointments to county boards. I think there's
21. evidence in the courts of this State to preclude that type
22. of a nomination being presented to the Governor and the
23. Secretary of State or whatever else it may be to make this
24. bill just totally unconstitutional. In my opinion, if we
25. passed it and it became the law, it would be turned down
26. in the lower courts without ever getting to the Supreme
27. Court. I just think that the...the bill is in very bad
28. shape. It's been pointed out by speakers on both sides
29. of the aisle and we should resist passing this bill, not
30. only for the reasons I've outlined, but for many other
31. reasons. Every other appointments have been given to
32. the Governor of the State, the Executive Appointments,
33. I don't know whether these fall in to that particular

1. category or not, but to split out the appointments among
2. various constitutional officers in my opinion is unwarranted
3. and I would ask everyone at least on this side of the aisle
4. to resist passage of this bill.

5. PRESIDING OFFICER: (SENATOR BRUCE)

6. Senator Maragos.

7. SENATOR MARAGOS:

8. Mr. President and members of the Senate. In rising in
9. support of this bill, I'd like to state that none of us
10. are going to get a perfect solution to this problem. This
11. has been going on us since 1970, when we were mandated to
12. come up with a solution. One set of solutions was declared
13. unconstitutional. I think we should again face the responsibility
14. and say this is what we offer you now. If it's declared
15. unconstitutional, so be it, but we have responsibility to
16. do so. I agree with Senator Graham that we have to do it
17. instead of letting the Governor or...or the Supreme Court
18. do it for us, but we have to bite the bullet and say this
19. is where we're going to go and this is the way we're going
20. to proceed. Sure, we could bring out many, many other
21. solutions, many other suggestions, but none of them will be
22. ...satisfactory to all the Legislators and to the Governor
23. and to the supreme court especially. Past experience has
24. showed us that even with a five or four man board, that
25. the four men get along very, very well except if I think
26. for five or six occasions out of the four hundred balance
27. or decisions they had to make as a joint board. Secondly,
28. we have a history prior to this particular Constitutional
29. Amendment, stating that the Secretary of State was your
30. hypothecary for all the election procedures we had before.
31. So there is a tradition in this State of another officer
32. besides the Governor being involved with the election
33. process. Now as to the question that Senator Rhoads brought
34. up, I agree with him, it could be nebulous excepting that

1. we have to take into consideration that everyone's going
2. to be acting in good faith. If he wants to, he can have
3. somebody in the House put a sanctions on it if the particular
4. officer does not conduct himself in a proper manner. So
5. therefore, Mr. President and members of the Senate, we can
6. find everything wrong whenever we want to nit-pick all the
7. time we want to, but we have to face the fact that November
8. 30th again is the deadline issued by the Supreme Court of
9. the State and therefore we should say responsibly, this
10. is the best we could offer you at this time to the people
11. of the State of Illinois and let's get ahead with our
12. work. And therefore I ask that you support this particular
13. bill.

14. PRESIDING OFFICER: (SENATOR BRUCE)

15. Senator Graham, I have you on the...the list to speak
16. a second along with Senator Rhoads. Every Senator will
17. have a chance to speak first then the Chair will recognize
18. those who have not had a chance to speak. On my list now
19. is Senator Buzbee, Senator Hynes, Senator Graham and Senator
20. Rhoads for the second time. For what purpose does Senator
21. Chew arise?

22. SENATOR CHEW:

23. I ask to move the previous question.

24. PRESIDING OFFICER: (SENATOR BRUCE)

25. Senator Chew has moved the previous question. Under
26. our procedures, Senator Chew, that motion is usually held
27. until those who have sought recognition.

28. SENATOR CHEW:

29. Yes, only if...if the seeker approves.

30. PRESIDING OFFICER: (SENATOR BRUCE)

31. That's right. Senator Chew your motion is to move
32. the previous question so the main...main question may be
33. put. All those in favor say Aye. Opposed Nay. Noes

1. have it. Previous...motion does not prevail. Senator Buzbee.

2. SENATOR BUZBEE:

3. Thank you, Mr. President. Mr. President, I wanted
4. just to rise and say that I think what Senator Wooten
5. said makes a lot of sense. This is an intensely political
6. State. Those of us that are involved in the politics
7. of this State know that, we know that the Democrats are
8. never going to come up with an idea as to the State Board
9. of Elections that's going to be acceptable to the Republicans
10. and I can assure you, vice versa. And the fact of the matter
11. is there just...there just ain't no way to work this out.
12. Now I'm going to vote for this bill. I think that it's
13. absolutely correct when somebody said it'll be ruled un-
14. constitutional. It'll be ruled unconstitutional just in
15. time for us to come into Spring Session next year and we
16. consider my emotion at that time then to do...completely
17. do away with the State Board of Elections and save about
18. eight hundred thousand dollars a year that they are spending
19. at the present time, but maybe that's a little bit over...over
20. estimated. I don't know, the dollars they spend are just
21. absolutely mind boggling and I can't remember...I now...I now
22. see they've come out with a new booklet on how to run for
23. public office, I thought they were supposed to...to supervise
24. elections, not tell you how to do it. They are trying to
25. computerize election results so that any candidate can go
26. at the cost of the taxpayers, can go and find out where
27. you've got to go to campaign to win in your district or
28. for your office. So I think that we'll get this bill
29. ruled unconstitutional just about in time for us to consider
30. my motion and emergency measure next Spring and we'll
31. abolish State Board of Elections perhaps once and for
32. all. We can get all those folks that now have patronage
33. jobs there. We can get them patronage jobs in the Governor's

1. Office and the Secretary of State's Office. We won't have
2. to worry about the State Board of Elections anymore, won't
3. have to worry about any more employees and we can save a
4. lot of money. So I'm going to vote for the bill now, knowing
5. that it's going to go down the tubes.

6. PRESIDING OFFICER: (SENATOR ROCK)

7. Further discussion? Senator Bruce.

8. SENATOR BRUCE:

9. Thank you, Mr. President and members of the Senate.
10. I rise in opposition to this bill and I do not do it to
11. nit-pick or try to second guess the State Supreme Court
12. or the constitutional procedures that exist in the State
13. of Illinois because by problem with the bill does not
14. go to the Supreme Court, but goes to the way and manner
15. in which we are going to conduct elections in this State.
16. I think that this Body several years ago, confused two
17. separate and distinct items. They somehow confused
18. campaigning in which political parties are properly involved,
19. which philosophies are discussed and that we attack
20. Republicans and Republicans attack Democrats and we make
21. a lot of statements in campaigning and from that mess of
22. language people decide who they're going to support in
23. the election process. And in that process, I think the
24. public is entitled to and expects that once they go behind
25. the curtain and vote that that is not a partisan issue.
26. That we don't count ballots for Democrats any differently
27. than we count ballots for Republicans. But this Body
28. confuses that process and says, yes, in the election
29. process parties have some legitimate role and I disagree
30. with that. In the election process in the counting of
31. ballots and making sure there are enough polling places,
32. parties have no role, whatsoever and that is the serious
33. defect in this bill. And that is the State Chairman

1. of either party having anything to do with the election process
2. is inappropriate. Now maybe you have something to do with
3. campaign disclosure, how we're going to conduct the campaigns,
4. a lot of other things that parties are legitimately interested
5. in. But they certainly have no right behind that curtain and
6. when we count the ballots it ought to be done by a nonpartisan
7. board and I am one, frankly, that the State Supreme Court said,
8. no party can have domination. And I am one of those who've
9. said they somewhere in the eleven million people within the
10. State of Illinois, we can find that individual who is neither
11. a Democrat nor a Republican that can still think and be fair
12. in the election process and so I rise in opposition because
13. this bill involves the parties in the counting of ballots
14. and I don't anyone in this State expects that to occur.

15. PRESIDING OFFICER: (SENATOR ROCK)

16. Further discussion? Senator Hynes.

17. SENATOR HYNES:

18. Mr. President and members of the Senate. I rise in
19. support of this bill and I do so because I think the concept
20. it establishes is a sound one. I think that we have been
21. addressing this issue now for several months and there have
22. been multiple proposals as to what ought to be done. No
23. one proposal acceptable to a majority of the members in
24. either House it appears. This proposal would retain the four
25. member set-up that we presently have, which I think is desirable
26. both in terms of cost and efficiency and fairness of operation.
27. It does bring the nominating process, it does allow the State
28. Chairman to submit the names as part of the nominating process
29. in substitution for the leaders of the Legislature doing the
30. same job. We did not see anything wrong with Legislative
31. leaders proposing names to the Governor for appointment
32. when we passed the original State Board of Election Bill
33. and I do not think there is anything wrong with the...the

1. proposal that we have in front of us. Elections do involve
2. political parties in the sense that they are directly concerned
3. about what happens. But the nominees must be first approved
4. by the appointing authority and secondly, must be approved
5. by this Body. So that if the quality of the nominee is not
6. acceptable to either of those, then he will not get on the
7. ...on the board and ultimately be involved in this process.
8. Furthermore, we are not, those of us that are supporting
9. this bill, committed to this principle only and to no
10. alteration or modification. The difficulty has been
11. that we've been unable to get any substantial move-
12. ment toward a bill that everyone can agree on. And the
13. time is fast running out for this problem to be resolved.
14. And I, therefore, think that this bill ought to be moved
15. along in the legislative process where discussions can
16. continue and if we can agree on a bill that will satisfy
17. all of the needs, desires and remove objections of the
18. members of this Body, then we should be able to pass it
19. unanimously. At this point we do not have such an
20. agreement and this is the only Senate Bill that is really
21. a viable option and therefore it ought to be sent on to
22. the House.

23. PRESIDING OFFICER: (SENATOR ROCK)

24. Any further discussion? Senator Graham.

25. SENATOR GRAHAM:

26. I think most everything has been said about this, but
27. I would like to say again, there is another viable option
28. that is residing in the Committee on Elections. Now, Ladies
29. and Gentlemen, if we as elected State Senators are going to
30. say to the people of the State of Illinois that this is
31. the best thing that we can propose, which it is admittedly
32. unconstitutional, admittedly does not even have support from
33. both sides of the aisle. Shame on us. We have, in fact,

1. abrogated our duties as State Senators and we go back home
2. and tell them, what a job we did, we did a job. We did a
3. job spinning our wheels on a piece of papers I told you
4. before that is not worth...the wording is not worth the
5. paper it's written on. You know it and I know it and the
6. people in the State of Illinois can be doggone glad that
7. if this thing ever gets to the Governor's Office with Jim
8. Thompson the Governor has the veto pen. You can't send
9. this out of here in good conscience, Ladies and Gentlemen,
10. you know it, I know it, and the people know it.

11. PRESIDING OFFICER: (SENATOR ROCK)

12. Further discussion? Senator Rhoads.

13. SENATOR RHOADS:

14. Thank you, Mr. President and members of the Senate.
15. Senator Chew, will you kindly shut up. Senator, I have
16. not ever been discourteous to you when you are speaking,
17. ever. I'll wait for order, Mr. President. Thank you,
18. Senator. Thank you.

19. PRESIDING OFFICER: (SENATOR ROCK)

20. Senator Rhoads.

21. SENATOR RHOADS:

22. Mr. President and Members of the Senate, I also rise
23. in opposition to Senate Bill 4. I respectfully submit
24. to Senator Kosinski and the other sponsors of the bill
25. that it doesn't even do what they intend for it to do.
26. Those of you who are independent Democrats, those of
27. you from downstate Illinois, please read the bill. It's
28. on your desk. Read lines 33 through 37 on page 1. There
29. is absolutely no protection in there. No language which
30. would guarantee that the party chairman could not submit
31. one name from Cook County and three from downstate or
32. vice versa, that's problem number one with the bill. If...if
33. you buy the concept that the party chairman ought to be

1. involved in this process at all. But secondly, I think the
2. decision in Rudman versus Rini, the Illinois Supreme
3. Court decision, the more recent decision by Judge Rhoads
4. in the Breslin case clearly indicates that the feeling of
5. the courts on this matter is going to be that the party
6. chairman have no business being involved in this process.
7. This is a terribly defective bill, it should be defeated.

8. PRESIDING OFFICER: (SENATOR ROCK)

9. Senator Kosinski may close the debate.

10. SENATOR KOSINSKI:

11. Mr. President, I wish the member of the opposite
12. party would of, being a very knowledgeable young man
13. and...a great future in politics, I'm sure, would
14. have brought that motion before the committee and I'm
15. sure we would have acted upon it. It is a little vague
16. and it can be amended in the House. I believe this
17. honestly, if you believe in the two party system, God
18. save you. I move for the adoption of this bill. Very
19. favorable roll call.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. The question is shall Senate Bill 4 pass. Those
22. in favor will vote Aye. Those opposed will vote Nay.
23. the voting is open. Have all voted who wish? Have all
24. voted who wish? Take the record. You wish to postpone
25. consideration?

26. SENATOR KOSINSKI:

27. Postpone it.

28. PRESIDING OFFICER: (SENATOR ROCK)

29. Sponsor requests consideration postponed. So ordered.
30. Senate...any further business to come before the First
31. Special Session? House Bills 1st reading. I...I'm not
32. skipping your motion, we're just not there yet. There's
33. some House Bills on 1st that have to be read in.

1. SECRETARY:

2. House Bill No. 9 sponsored by Senator D'Arco.

3. (Secretary reads title of bill)

4. 1st reading of the bill.

5. House Bill No. 20 cosponsored by Senator Sangmeister
6. and Harber Hall.

7. (Secretary reads title of bill)

8. 1st reading of the bill.

9. House Bill 21 cosponsored by Senators Harber Hall
10. and Sangmeister.

11. (Secretary reads title of bill)

12. 1st reading of the bill.

13. PRESIDING OFFICER: (SENATOR ROCK)

14. Motions in Writing.

15. SECRETARY:

16. Motion in Writing. I move to discharge the Committee
17. on Elections and Reapportionments from further consideration
18. of Senate Bill 3 of the First Special Session. Signed,
19. Senator Graham.

20. PRESIDING OFFICER: (SENATOR ROCK)

21. Senator Graham.

22. SENATOR GRAHAM:

23. Mr. President, as long as we have spent this much
24. time discussing one bill. I think that this bill which
25. is in the Committee on Elections probably represents a
26. more viable option, a more...a greater opportunity for
27. us to get something moving if movement is what we really
28. want. This is the eight member board bill and I ask for
29. a roll call that the Committee on Elections be further
30. discharged from further consideration of this bill and
31. let's get it out here and air it out,too.

32. PRESIDING OFFICER: (SENATOR ROCK)

33. Any discussion? Senator Graham has moved to discharge

1. the...Senate Committee on Elections and Reapportionment from
2. further consideration of Senate Bill...

3. SENATOR GRAHAM:

4. 3.

5. PRESIDING OFFICER: (SENATOR ROCK)

6. Senate Bill 3. All those in favor...those in favor will
7. vote Aye. Those opposed will vote Nay. The voting is open.
8. Senator Donnewald, vote me No please. Have all voted who
9. wish? Have all voted who wish? Take the record. On that
10. question the Ayes are 25, the Nays are 29, the motion fails.
11. Any further business at this time? All right the First
12. Special Session will stand in recess until the call of the
13. Chair.

14. RECESS

15. AFTER RECESS

16. PRESIDING OFFICER: (SENATOR BRUCE)

17. The First Special Session shall come to order. Messages
18. from the House.

19. SECRETARY:

20. A Message from the House by Mr. O'Brien, Clerk.

21. Mr. President - I am directed to inform the Senate
22. the the House of Representatives has adopted the following
23. Joint Resolution in the adoption of which I am instructed
24. to ask the concurrence of the Senate, to-wit:

25. House Joint Resolution 3.

26. (Secretary reads HJR 3)

27. PRESIDING OFFICER: (SENATOR BRUCE)

28. You heard the Adjournment Resolution. Senator Rock
29. moves the adoption of the Adjournment Resolution. All
30. in favor say Aye. Opposed Nay. The Ayes have it. The
31. resolution is adopted. Further business to come before
32. the First Special Session? First Special Session...Senator
33. Hynes.

34. SENATOR HYNES:

1. I would move that the Six Day Notice requirement be
2. waived as to bills in the 2nd...in the First Special Session.

3. PRESIDING OFFICER: (SENATOR BRUCE)

4. You heard the motion...you heard the motion to suspend
5. the rule as it relates to the Six Day Posting Notice. All
6. in favor say Aye. Opposed Nay. The Ayes have it. The Six
7. Day Notice Rule is waived. Further business to come before
8. the First Special Session? Shall stand in recess subject
9. to the call of the Chair.

10. RECESS

11. AFTER RECESS

12. PRESIDING OFFICER: (SENATOR BRUCE)

13. First Special Session shall come to order. Messages
14. from the House.

15. SECRETARY:

16. Message from the House by Mr. O'Brien, Clerk.

17. Mr. President - I am directed to inform the Senate
18. that the House of Representatives has adopted the following
19. Joint Resolution in the adoption of which I am instructed
20. to ask the concurrence of the Senate, to-wit:

21. House Joint Resolution 1.

22. PRESIDING OFFICER: (SENATOR BRUCE)

23. Executive Committee. Committee reports.

24. SECRETARY:

25. Senator Donnewald, Chairman of the Assignment of Bills
26. to committee, assigns the following bills to committee: -
27. Appropriations I - House Bill 21; Judiciary II - House Bills
28. 9 and 20.

29. PRESIDING OFFICER: (SENATOR BRUCE)

30. Any further business to come before the First Special
31. Session? Senator Wooten is recognized.

32. SENATOR WOOTEN:

33. Mr. President, I move the First Special Session stand

1. adjourned until Wednesday, 16th, at 3:15 p. m.
2. PRESIDING OFFICER: (SENATOR BRUCE)
3. You've heard the motion. Discussion? All in favor
4. say Aye. Opposed Nay. The Ayes have it. The First Special
5. Session stands adjourned until Wednesday the 16th.
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