

4th SPECIAL SESSION
of the 78th GENERAL ASSEMBLY
November 14, 1973

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Fourth Special Session, 78th General Assembly will
3. come to order. Senator Davidson.

4. SENATOR DAVIDSON:

5. Mr. President, point of personal privilege. I would
6. like to introduce to the Senate the 7th grade of the
7. Franklin Middle School which is where my son attends,
8. in the 8th grade. But I would like to introduce to you
9. one of the first groups of the 7th grade of Franklin
10. Middle School which is visiting the Legislature today.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Graham moves the Fourth Special Session...
13. Secretary.

14. ACTING SECRETARY (MR. WRIGHT):

15. Journal of Wednesday, November the 7th.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Senator Graham moves that the reading of the Journal
18. be postponed pending the arrival of the printed copy.

19. ACTING SECRETARY (MR. WRIGHT):

20. Thursday, November the 8th.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. November the 8th.

23. SENATOR GRAHAM:

24. On the Fourth Spécial Session?

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Right.

27. SENATOR GRAHAM:

28. I move that we approve the Journal of November 8th,
29. Fourth Special Session of the 78th General Assembly on...

30. PRESIDING OFFICER (SENATOR WEAVER):

31. All in favor signify by saying aye. Opposed nay.
32. Motion carried.

33. SENATOR GRAHAM:

1. Mr. President I move you that we postpone the
2. reading of the Journal of Tuesday, November the 13th
3. until the arrival of the printed Journal.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. All in favor of the motion signify by saying aye.
6. Opposed nay. Motion carried. Senator Graham moves
7. that the Fourth Special Session will stay in recess...
8. pending the call of the Chair. All in favor signify
9. by saying aye. Opposed nay. Motion carried.

10. (RECESS)

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Fourth Special Session will come to order. Senator
13. Schaffer, are you asking leave to bring SB 1 back to the
14. order of 2nd, for the purpose of amendment?

15. SENATOR SCHAFFER:

16. That was extremely astute of you Mr. President, I
17. am.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Is there leave? Leave is granted.

20. SECRETARY:

21. Amendment No. 1 by Senator Schaffer.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Schaffer.

24. SENATOR SCHAFFER:

25. Senator Partee there's a copy of the two amendments
26. I'm about to present headed in your direction. As you'll
27. recall SB 1 deals with the optional...consolidation of
28. County Board elections. SB number 2 in this Session has
29. to do with filing dates. The second bill was drafted under
30. the assumption that this legislation would be acted on
31. prior to the closing of filing which closed in most of the
32. counties yesterday. This amendment would put SB 1 in
33. shape to provide for that...provide for the fact that that

1. has happened and make SB number 2 superfluous.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Is there any discussion? Senator Partee.

4. SENATOR PARTEE:

5. The discussion that I'm have now comes as the
6. result of other discussions that were going on here
7. while he was making his explanation. Could you quickly
8. it, sir? I'm sorry.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Schaffer.

11. SENATOR SCHAFFER:

12. Senator, SB number 2 in this Session was drafted
13. to handle the fact that...that we thought prior to this
14. bill being signed into law people would have filed for
15. County Board elections starting November 4th. Well,
16. we had invisioned filing date closing...or this bill being
17. law before filing closed. Well, filing closed yesterday
18. which makes SB 2 complete out of whack. Consequently,
19. this amendment merely corrects that deficiency by
20. including new verbage in SB number 1 which...solves the
21. problem and makes SB number 2 superfluous.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Is there any further discussion? Senator Partee.

24. SENATOR PARTEE:

25. As I understand it it validates the filings of those
26. who have already filed for that election. It does not
27. relate to the other question at all.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Senator Schaffer.

30. SENATOR SCHAFFER:

31. It is not. Your assumption is correct.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Is there further discussion? All in favor of the

1. adoption of Amendment No. 1 to SB 1 signify....by saying
2. aye. Opposed nay. The motion carried. The amendment is
3. adopted.

4. SECRETARY:

5. Amendment No. 2.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Any further amendments? The Amendment No. 1 was
8. adopted Senator Donnewald. Senator Schaffer.

9. SENATOR SCHAFFER:

10. Senator Donnewald, why don't you wait until you see
11. Amendment No. 2. Amendment No. 1 really doesn't have any
12. effect on the issue that you are primarily concerned with.

13. PRESIDING OFFICER (SENATOR WEAVER):

14. Senator Donnewald.

15. SENATOR DONNEWALD:

16. In the event that this is adopted, would this
17. preclude any other persons from filing for office...before...
18. before December 17th.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Schaffer.

21. SENATOR SCHAFFER:

22. Yes, it would...it would basically say those people
23. who have filed and filing has...day has opened and closed,
24. and the filing...the normal filing procedure is closed
25. as of this day. If nothing happens, if this Body fails
26. to act in any way filings are closed regardless.

27. SENATOR DONNEWALD:

28. Well, you're...you're applying this for the...for
29. the December 17th date, is that correct?

30. It's closed for the April. Is that correct?

31. SENATOR SCHAFFER:

32. It's closed for the February date, all I'm doing
33. ...doing is validating these filings that have already

1. taken place throughout the State.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Any further discussion?

4. SENATOR DONNEWALD:

5. Well, if you change the election date...new parties
6. or additional parties cannot file. Is that what you're
7. saying?

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator Schaffer.

10. SENATOR SCHAFFER:

11. No, they...they can still file as independents. They
12. would be precluded as filing as Republicans or Democrats,
13. but..that has already taken effect in the natural course
14. of...events.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Senator Partee.

17. SENATOR PARTEE:

18. Let me add to this confusion. I think you're both
19. talking about two different things I think. One of you
20. as I listen is talking about the filing date having been
21. closed for filing for the elections to be held in March.
22. Is that right? Now, February. All right. Now, the
23. question I think is that Senator Donnewald addresses
24. himself to is whether the adoption of the amendment
25. precludes persons from filing for the March primary for
26. the November election. That's the question I think. If
27. con...you know, if they are consolidated elections. That
28. is the question.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Schaffer.

31. SENATOR SCHAFFER:

32. As I understand the question answer that was just
33. tossed at me, no this does not effect anyone else. This

1. just effects whats already happened.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Is there further discussion? Are there further amendments?

4. SECRETARY:

5. Amendment No. 2 by Senator Schaffer.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Senator Schaffer.

8. SENATOR SCHAFFER:

9. Amendment No. 2 accomplished one thing. It puts a
10. repealer in this bill and repeals the bill effectively...
11. effective January 1, 1975 which has the effect of making
12. this piece of legislation effective in only one election
13. year, 1974. After the election next year it's back to the
14. drawing board, the question is open again.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Is there any discusssion? Senator Keegan.

17. SENATOR KEEGAN:

18. Senator Schaffer I'd like to ask a question if I
19. may. Does this mean that the people who have filed for
20. County Boards in the last few weeks have to refile
21. between the 10th of December and the 17th of December?
22. But only they can...can run under party labels. Can...

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Schaffer.

25. SENATOR SCHAFFER:

26. Well that is the present situation Senator and this
27. law perpetuates the present situation in...to that extent.

28. SENATOR KEEGAN:

29. You...does this...does this open up the possibility
30. for others to file during the period from December 10th to
31. December 17th.

32. SENATOR SCHAFFER:

33. Well, ...

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Senator Schaffer.

3. SENATOR SCHAFFER:

4. This amendment is a repealer. You're talking about
5. my previous amendment and it does have that effect. The...
6. someone...if someone should now decide based on the
7. election consolidation assuming it's enacted into law
8. that he wants to run he would have only one avenue to
9. run and that would be to file as an independent. That
10. avenue is still open to him, and it's still open to him
11. under the situation as exists...as it exists today.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Dougherty.

14. SENATOR DOUGHERTY:

15. ...Schaffer as I understand it that the...the filing
16. date is closed to those whom would run if the retention
17. of the February primaries... Is that right?

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator Schaffer.

20. SENATOR SCHAFFER:

21. Yes it is.

22. SENATOR DOUGHERTY:

23. But those who would run in a March primary would
24. still be eligible to file. Is that correct?

25. SENATOR SCHAFFER:

26. Right. Right. Because those people that have not
27. yet filed would be filing under the independent label and
28. they still...they still can file.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Dougherty..

31. SENATOR DOUGHERTY:

32. ..independents only in both occasions? On both
33. occasions.

1. SENATOR SCHAFFER:

2. Regardless of whether this law passes or not it takes
3. effect and if the law passes, it still takes effect.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Dougherty.

6. SENATOR DOUGHERTY:

7. Does this apply only to the...the February primary.
8. Can those who desire to run in a March primary, can they
9. still file? That's my question.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Schaffer.

12. SENATOR DOUGHERTY:

13. Only as an independent.

14. SENATOR SCHAFFER:

15. I'm sorry Senator. I apologize. I missed the intent
16. of your question. This has no effect on the regular March
17. primary for any other offices.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Any further discussion? Senator Schaffer moves
20. the adoption of Amendment No. 2 to SB 1, all in favor
21. signify by saying aye. Opposed nay. Motion is adopted.
22. Any further amendments?

23. SECRETARY:

24. Amendment No. 3 by Senator Donnewald.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator Donnewald.

27. SENATOR DONNEWALD:

28. Well, Mr. President and Members of the Body I think
29. last night we had a very, very thorough discussion about
30. a bill that would have been mandatory and that the Governor
31. indicated that he would in fact sign. Now, I'm not
32. presenting that amendment. I don't suppose that the
33. Chair's position has changed. I do however Mr. President

1. Members of the Senate propose Amendment No. 3 in this
2. particular bill. Amendment No. 3 is the optional
3. amendment and it provides the County Board may provide
4. by ordinance or resolution for the election of its
5. members in the April of 1974 and thereafter, one-half of
6. the County Board members shall be elected in November
7. of every other even numbered year, beginning in '76,
8. should the County Board fail to pass an ordinance or a
9. resolution calling for the April election of '74, the
10. members shall stand for election in November of '74
11. and thereafter. One-half of the members shall be...
12. elected in November of every other even numbered year
13. beginning 19and 76. The political impact...the political
14. impact of this 2nd...or this 3rd amendment is to provide
15. the Republicans with an out for the 1974 election.
16. Nevertheless the County Board may take affirmative
17. action to retain the April election in '74, there-
18. after whether they take affirmative action or not
19. all County Board elections will be held in November.
20. I would ask for a favorable roll call on this amendment.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Is there any discussion? The question is shall...
23. Senator Schaffer.

24. SENATOR SCHAFFER:

25. Well, I just wanted to say that this is in violation
26. I think of the call of the Special Session and contrary
27. to the wishes of the sponsor.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Senator Partee.

30. SENATOR PARTEE:

31. Well, I just wanted to say that I think Senator
32. Donnewald is to be complimented for proposing what is
33. a reasonable compromise to what has proved to be a very

1. vexing problem. Now it's sort of obvious to all of us
2. that you on that side of the aisle do not want to face
3. the electorate in November of next year, even if it means
4. saving money for your counties. I'm suggesting to you
5. that this compromise amendment is a reasonable one which
6. makes it permissive next year. So each County Board can
7. by its own judgement determine whether to have a con-
8. solidation of elections next year or whether not to have
9. a consolidation of elections next year. But thereafter
10. in the year that follows and thereafter it would be
11. mandatory. Now, we passed a mandatory bill...a permissive
12. bill here. The Governor vetoed it and made it...and made
13. it mandatory. It came back. You did not like the mandatory
14. bit. Here is a chance, a decent honorable compromise
15. which would permit permissive selection next year. Mr...
16. could I have some order Mr. Chairman?... where we could
17. have a permissive situation next year with each county
18. making its own choice and mandatory thereafter. That
19. to me is an honorable compromise and I...I think this is
20. a very fine amendment.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Any further discussion? Senator Donnewald may close
23. debate.

24. SENATOR DONNEWALD:

25. Yes Mr. President. Very briefly, I have the commitment
26. from the Governor that in the event this amendment is adopted
27. to this particular piece of legislation it will in fact
28. become law. This particular method and manner is the only
29. way that it will become law. If we adopt this amendment
30. we have I think somewhere between ten or fifteen days in
31. which to make it through the House and to the Governor's
32. desk. And ultimately saving counties throughout the State
33. many, many millions of dollars. I request a favorable roll

1. call.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. For what purpose does Senator Harris arise?

4. SENATOR HARRIS:

5. Well, Mr. President I want a ruling from the Chair.
6. We went through this issue last night. This amendment
7. involves mandatory direction on the question of con-
8. solidation of elections for County Boards. This Body
9. expressed itself on that question last night and I
10. request a ruling of the Chair whether this is...this
11. amendment comes within the scope of the call for the
12. Fourth Special Session.

13. PRESIDING OFFICER (SENATOR WEAVER):

14. Senator Partee.

15. SENATOR PARTEE:

16. I have a parliamentary inquiry and that is must
17. an amendment to a bill pending have in its language
18. only language which relates to the specific subject
19. matter of a call. Now let me explain what I'm saying.
20. If you have to in an amendment to a...a bill pending
21. have only language which fits close and connectically
22. to the subject of a call. I...I just don't think we've
23. ever had that kind of a situation, and that's the
24. question I ask.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator Partee, where an amendment is to a bill is
27. outside the call or the scope of the call, then it will
28. not be acceptable to the... I think we're talking about
29. basically because of the mandatory provisions in the
30. amendment that it is outside the scope of the call of
31. this Fourth Special Session. ...has asked for that
32. ruling and that's the ruling that I, the Chair is giving.
33. The amendment is out of order. ...and it is so stated

1. ruling. Senator Harris.

2. SENATOR HARRIS:

3. Well, I...I did not hear how you had ruled when I
4. sought recongnition, but I have just now heard you say
5. that you...you do rule that Amendment No. 3 does not
6. come within the scope of the call.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. That is correct.

9. SENATOR CARROLL:

10. It seems to me yesterday that whoever sat in the
11. Chair as the Presiding Officer ruled that the word
12. permit meant that it could not be mandatory and had
13. to be permissive. Today they're saying that it can't
14. be permissive, if in being permissive you're letting
15. them opt out. Are we going to get a definition of
16. words, are we going to get a definition of phrases,
17. can we learn how this Senate is going to operate as
18. an organization of rule, as an organization of
19. definition of words. This bill to me gives them an
20. option. It says it is permissive, not mandatory that
21. they can opt out if they want to tell their voters
22. they're willing to waste the money. That's the issue.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Senator Harris.

25. SENATOR HARRIS:

26. Mr. President, let me read the key paragraph of
27. this amendment. If the County Board fails to pass an
28. ordinance or resolution calling for the election of its
29. members on the first Tuesday in April of 1974 - listen
30. to this - the members shall be elected on the first
31. Tuesday after the first Monday in November of '74 and
32. thereafter, one-half of the County Board members shall
33. be elected on the first Tuesday after the first Monday

1. in November of every other even numbered year...beginning
2. in '76. Now that is a mandate that the elections shall be
3. consolidated after of '74 and that is not within the scope
4. of the call and the Chair's ruling is appropriate and he's
5. done an excellent job.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Senator Wooten.

8. SENATOR WOOTEN:

9. I respect...Mr. President and colleagues I respectfully
10. beg to differ. That because there is an option stated,
11. there is no rational way you can construct the flow of
12. the language to conclude that there is not permission...
13. obtainable. As long as an option exists in the language
14. it meets any rational test of the English language. If
15. the call was poorly drafted, that's not our problem.
16. I do not think we should try to cover up perhaps
17. inadequate language of a call. If it is not what
18. you intended, I think that's too bad, but this clearly
19. meets any rational test. It gives an option. If it
20. gives an option then there is an element of permission
21. in it and that is very simple. Where it proceeds from
22. that is not material. If the option is in there it's
23. permissive.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Senator Soper.

26. SENATOR SOPER:

27. Mr. President, I would suggest that there's not
28. appeal from the ruling of the Chair, that we continue
29. on with our business. If there are no other amendments
30. to SB 1 in this Session, then we move it to 3rd reading
31. and go on with our business. We could be here all night
32. and listen to a lot of people. We've got a lot of
33. important business here besides this.

1. PRESIDING OFFICER (SENATOR WEAVER):
2. I have recognized two other speakers and we'll move on.
3. Senator Buzbee.
4. SENATOR BUZBEE:
5. Thank you Mr. President. A point of parliamentary
6. inquiry. Mr. President, am I to interpret your ruling to
7. mean tht if any amendment that's offered to any bill is not
8. specifically within the purview of the call of the Special
9. Session then that amendment would be out of order?
10. PRESIDING OFFICER (SENATOR WEAVER):
11. Yeah, I think you have to rule on these independently,
12. but this particular amendment...
13. SENATOR BUZBEE:
14. That's not my question Mr. President...
15. PRESIDING OFFICER (SENATOR WEAVER):
16.you understand what the situation is.
17. SENATOR BUZBEE:
18. Well, I just suggest Mr. President that we perhaps
19. ought to have the Parliamentarian or somebody go back
20. through all of the legislation we've considered in the
21. five Special Sessions and check each amendment to see if
22. that amendment is within the purview of the call. If
23. not we have done an unconsitutional thing according to
24. your ruling.
25. PRESIDING OFFICER (SENATOR WEAVER):
26. Senator Dougherty.
27. SENATOR DOUGHERTY:
28. ...I would respectfully suggest Mr. President since
29. you the ruling of the repealer in Amendment No. 2 is
30. Senator Schaffer's, since it is a mandatory repealer that
31. too is not within the purview of the call. Give me a ruling
32. on that one will you please.
33. PRESIDING OFFICER (SENATOR WEAVER):

1. ...amendments? You're asking whether Amendment No. 2
2. was within the call? Yes. Amendment is not substantively
3. mandatory. ...further amendments? 3rd reading.
4. Senator Buzbee.
5. SENATOR BUZBEE:
6. Parliamentary inquiry Mr. President. I didn't under-
7. stand your last ruling on Amendment No. 2. Would you
8. please say that again...and give me the reasoning, if you
9. don't mind.
10. PRESIDING OFFICER (SENATOR WEAVER):
11. Amendment No. 2 does not impose a substantive mandate.
12. That is the ruling. Senator Graham.
13. SENATOR GRAHAM:
14. Mr. President on point of personal privilege perhaps,
15. if we are serious about the things that the press says
16. we are supposed to be serious about, RTA and campaign
17. disclosure, gentlemen, do you want those things or don't
18. you? Or do you want to have a filibuster or don't you?
19. Or do we move ahead or don't we? I say we move ahead.
20. PRESIDING OFFICER (SENATOR WEAVER):
21. SB 5, Senator Clarke. Senator, your appeal is
22. not timely, we've gone on to other business. I gave
23. several of you plenty of help... Senator Knuppel, he
24. has plenty of opportunity to make that appeal.
25. SECRETARY:
26. SB...
27. PRESIDING OFFICER (SENATOR WEAVER):
28. Senator Knuppel... Senator Knuppel, will you please
29. be in order? Senator Mohr.
30. SENATOR HOWARD MOHR:
31. Mr....Mr. President, I would...I would suggest...I
32. would suggest that when members of this Body get up that
33. you recognize them and call them by name, so the people

1. in the galleries know who's doing the talking.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Senator Partee. Senator Partee is recognized, Senator Knuppel.

4. SENATOR PARTEE:

5. I stood here waiting for recognition, and finally we
6. got it now. Senator Donnewald is not asked for something
7. out of space, it's nothing unusual about a motion to appeal
8. the ruling of the Chair. To deny him that rather fundamental
9. right I think is...exhibits the kind of highhandedness that
10. this Senate should shrink from. I don't think we ought to
11. be highhanded. He's appealing the ruling of the Chair and
12. I think he's entitled to that and I think you should give
13. him that, that motion. You may have your votes, but he has
14. the right to appeal from the ruling of the Chair and I think
15. if we don't get that motion I think we're going to have a
16. real problem here.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Partee, if you'll back up just a minute, I
19. indicated to Senator Soper, that there were two others
20. who had made...asked for recognition. And I recognized
21. Senator Dougherty and Senator Buzbee and this I try to
22. be fair about. ...gone to other business. No motion was
23. made, Senator. Senator Partee.

24. SENATOR PARTEE:

25. Let me get the record straight. You did not say to
26. Senator Soper that there were two other persons who wanted
27. recognition. You in fact said to him there were two other
28. persons you were going to recognize. At that time Senator
29. Buzbee was standing, Senator Dougherty was standing, I
30. was standing, Senator Donnewald was standing. I was waving.
31. I wondered if you really meant you were only going to
32. recognize two people. The fact is that you only did
33. recognize two people when the rest of us were standing,

1. and I was seeking recognition. We didn't have the
2. opportunity to make the motion. He's entitled to a
3. motion to appeal the ruling of the Chair and that's
4. the only motion that you ought to go with now so we
5. can settle this question. I know what this is all
6. about. You don't want to vote on this question. I
7. don't care what you do with it, you go back home and
8. you tell your people you didn't vote to save them the
9. money. That's your business. I don't care. But he's
10. entitled to a ruling.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. ...Partee. I thought that when Senator Soper got
13. up and made the point that no one had made a motion to
14. ...make a motion to...ruling of the Chair, then I said
15. thinking he was going to foreclose any further debate
16. I had known that Senator Buzbee was wanting recognition,
17. Senator Dougherty was wanting recognition and no one had
18. made that motion. ...Donnewald if you want to make a
19. motion, I'll entertain your motion. Well, I certainly
20. didn't hear your motion Senator Donnewald...is to appeal
21. the ruling of the Chair. Any further discussion. Secretary
22. will call the roll. The question is shall the ruling
23. of the Chair be sustained? Senator Donnewald, I didn't
24. hear your question.

25. SENATOR DONNEWALD:

26. On motion number three on Amendment No. 3, I...I
27. wish that you would restate the question to the Body
28. so that we all know what we're voting on.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. The question is...

31. SENATOR DONNEWALD:

32. The motion is to overrule...or override the ruling
33. of the Chair as to the admission of Amendment No. 3.

1. PRESIDING OFFICER (SENATOR WEAVER):

2. The question is shall the ruling of the Chair be
3. sustained...in ruling Amendment No. 3 out of order.
4. Secretary will call the roll.

5. SECRETARY:

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

16. PRESIDING OFFICER (SENATOR WEAVER):

17. ...request for the absentees. The absentees will be
18. called.

19. SECRETARY:

20. Chew, Conolly...Conolly, Harber Hall, Scholl,
21. Sours,

22. PRESIDING OFFICER (SENATOR WEAVER):

23. ...question the yeas are twenty-nine, the nays are
24. twenty-eight. The ruling of the Chair as to Amendment
25. No. 3, SB 1 is sustained. SB 5.

26. SECRETARY:

27. SB 5 (Secretary reads title of bill)

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Senator Clarke.

30. SENATOR CLARKE:

31. What...what Session are we in Mr. President?

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Fourth Special.

1. SENATOR CLARKE:

2. Well, I think that he read the wrong synopsis then,
3. causes this has to do with finances, State finances. I
4. think anybody would be foolish to want call a bill after
5. all of that go around, but I'll go right ahead anyway.

6. SECRETARY:

7. SB 5 (Secretary reads title of bill)
8. 3rd reading of the bill.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Clarke.

11. SENATOR CLARKE:

12. With the creation of the Office of Comptroller
13. General we have a considerable number of people keeping
14. records in the State, and that's what this bill is aimed
15. at.

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Senator Soper, will you take your caucus to
18. the caucus room.

19. SENATOR CLARKE:

20. And this bill is strictly permissive. It gives
21. the Governor an opportunity if he sees fit to save
22. half a million dollars by letting the auditor do the
23. job that is presently duplicated both by the auditor
24. and the Department of Finance. It would have to be
25. by Executive Order, the Governor doesn't have to do it
26. if he still wants to have those records going to the
27. Department of Finance. It is something that has been
28. suggested in various...oversees by auditors of various
29. State departments. As I say it would save considerable
30. money. I think the option should be there but it's not
31. mandatory at all, it's merely permissive if the Governor
32. wants it. Appreciate a favorable roll call.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Is there any discussion? The question is shall
2. SB 5 pass. Upon that question the Secretary will call
3. the roll.
4. SECRETARY:
5. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
6. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
7. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
8. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
9. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
10. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
11. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
12. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
13. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
14. Weaver, Welsh Wooten, Mr. President.
15. PRESIDING OFFICER (SENATOR WEAVER):
16. Senator Clarke.
17. SENATOR CLARKE:
18. Request a poll of the absentees.
19. PRESIDING OFFICER (SENATOR WEAVER):
20. The absentees will be called.
21. SECRETARY:
22. Bruce, Buzbee, Carroll, Chew, Daley, Donnewald,
23. Dougherty, Harber Hall, Kenneth Hall, Hynes, Johns,
24. Keegan, Knuppel, Kosinski, McCarthy, Netsch, Newhouse,
25. Nudelman, Palmer, Partee, Rock, Romano, Saperstein,
26. Savickas, Schaffer, Smith, Swinarski, Vadalabene,
27. Welsh, Wooten.
28. PRESIDING OFFICER (SENATOR WEAVER):
29. Question the ayes are twenty-nine, the nays are
30. none. SB 5 having failed to receive the constitutional
31. majority is declared lost. SB 6. Excuse me, Senator
32. Berning.
33. SENATOR BERNING:

1. Thank you Mr. President. With...the just completed
2. action on SB 5 in the Fourth Special Session following
3. the deplorable action that occurred on this Floor just
4. previously it now becomes increasingly obvious that we
5. have wasted about five weeks down here and that we are
6. unable to agree on even the simplest things such as saving
7. the State money. Therefore I move you Mr. President that
8. we stand adjourned until January 9th at 11:00 a.m., 1974.
9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Berning, the Senate cannot stand adjourned
11. without a House resolution I am informed. ...6.

12. SECRETARY:

13. SB 6 (Secretary reads title of bill)

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Senator Fawell.

16. SECRETARY:

17. 3rd reading of the bill.

18. SENATOR FAWELL:

19. Well, Mr. President SB 6 is a bill that is as good as
20. motherhood. It has goodness and beauty and love and life
21. and honor and decency and all that's right and just. Its
22. a wonderful bill. But recognizing that we have just
23. belabored over the issue of who is the grandest tiger
24. in the forest, and haven't come to resolve that issue,
25. I'm going to put this off until some other day when
26. perhaps we can be more objective. There's some indication
27. of objectivity...

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Senator Fawell, they're begging you.

30. SENATOR FAWELL:

31. All right. All right. It is all that I said it was
32. ... And I would hope we would have a favorable vote on
33. this. It refers to the two years of experience that is

1. necessary for a superintendents certificate...certification
2. and I would hope that we would have a majority vote from
3. votes on both sides of the aisle. Thank you.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Is there discussion? Senator Hynes.

6. SENATOR HYNES:

7. Mr. President, I would simply second his comments.

8. This is truly a marvelous piece of legislation.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Is there further discussion? Question is shall SB 6
11. pass and upon that question the Secretary... Excuse me,
12. Senator Palmer did you wish recognition?

13. SENATOR PALMER:

14. Just like to ask a question. What does this marvelous
15. bill do?

16. PRESIDING OFFICER (SENATOR WEAVER):

17. Senator Fawell, Senator Palmer doesn't know what
18. this bill does. Question is shall SB 6 pass, and upon that
19. question the Secretary will call the roll.

20. SECRETARY:

21. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,
22. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,
23. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth
24. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,
25. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard
26. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,
27. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,
28. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,
29. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,
30. Weaver, Welsh Wooten, Mr. President.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. ...question the ayes are fifty and the nays are none.
33. SB 6 having received a constitutional majority is declared

1. passed. Senator Harris.

2. SENATOR HARRIS:

3. I now move that the Fourth Special Session stand in
4. recess subject to the call of the Chair.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. All in favor signify by saying aye. Opposed nay.

7. Motion carries. Senator Harris.

8. (RECESS)

9. Fourth Special Session will come to order. Is there
10. any business to bring before the Fourth Special Session?

11. ...until tomorrow morning at 11:00 a.m. All in favor

12. signify by saying aye. Opposed nay. Motion carried.

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