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FILE NO. S-458

CONSTITUTION:  
Legislature - Transcript of debates

Honorable Cecil A. Partee  
President pro tempore  
Illinois State Senate  
Capitol Building  
Springfield, Illinois 62706

Dear Senator Partee:

I have your letter wherein you ask the following questions pertaining to section 7(b) of Article IV of the Illinois Constitution of 1970:

"1) Does the use of the word 'debates' imply that a transcript is necessary only of debate on final passage of a bill, or does the language mean that each day's session of the General Assembly must be transcribed, from opening prayer through adjournment?

"2) In view of the above quoted language in Article IV, Section 7 (b), must a transcript be kept of committee meetings in the General Assembly?

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"3) Does the language above quoted as to availability of a transcript mean that published transcripts must be provided immediately following debate (as journals are now provided) or, does the language mean that the recording or shorthand notes must be preserved until such time as a request is made by a member of the public, at which point transcribing will occur?"

Section 7(b) of Article IV of the Illinois Constitution of 1970 reads as follows:

"Each house shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public."

With regard to your first question, it is clear from reading the debates of the 6th Illinois Constitutional Convention (6th Ill. Const. Con. - Verbatim Transcript, July 18, 1970, pp. 72-99 incl.) that the transcript of the debates should cover more than the debates on third reading and final passage of a bill. The transcript should cover any stage of a bill when legislative debate and discussion would throw light on

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the legislative intent. Thus, "debate" would include, as well, action at second reading on amendments, motions to discharge, debate following gubernatorial vetoes, amendatory or otherwise and similar proceedings affecting the bill. Convention debates on July 18, 1970 (6th Ill. Const. Con. - Verbatim Transcript, July 18, 1970, pp. 72-99 incl.) also disclose that while all substantive discussion bearing on a bill should be covered in the transcript, it need not cover the entire proceeding of the legislative session such as opening prayer, matters of privilege and similar matters.

Turning to your second question, section 7(b) of Article IV of the Illinois Constitution of 1970 does not require a transcript of debates and proceedings in committees of the General Assembly. See, 6th Ill. Const. Con. - Verbatim Transcript, July 18, 1970, p. 93.

Turning to your third question, the convention debates made clear that there was no intention by the convention to require publication of the transcript of debates as distinguished from the journal; also, that it would be sufficient if a single copy of the transcript were prepared and

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kept in the office of an appropriate official of each House and made available for public examination. It was not the intention of the convention, nor is it required by the constitution, that copies would be prepared at the expense of the state for distribution. It was the intention that any person desiring a copy would be able to secure the same at his own expense.

Considering the purposes underlying the constitutional requirement of a transcript of the debates, it is clear that a written transcript should be prepared with reasonable promptitude as in the case of the journals. If the transcript is prepared from shorthand notes of a stenographer or court reporter or from electronic tapes or wires, the preliminary recording should be permanently preserved as a means of establishing the accuracy of the written transcript or providing for its replacement.

Very truly yours,

A T T O R N E Y G E N E R A L