

STATE OF ILLINOIS
82ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

23rd Legislative Day

March 31, 1981

Speaker Ryan: "The House will come to order and the Members will please be in their seats. We'll be led in prayer this morning by Representative Pullen."

Pullen: "Father we come before You with humble and grateful hearts that You have preserved the life of our President. We ask You to bring your healing power upon him and upon the others who were wounded. We ask You to bless this House and to keep us ever mindful of where we derive our lives and our dependents upon you. We ask You to guide us in our deliberations and lead us to do what is right according to Your perfect will. In Jesus' name we pray. Amen."

Speaker Ryan: "We'll be led with the pledge this morning by Representative Nelson."

Nelson: "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Speaker Ryan: "Roll Call for attendance. Thank you. The Gentleman from Cook, Representative Telcser, for what purpose do you rise?"

Telcser: "Mr. Speaker, could the journal please show that Representative Oblinger is absent today because of official business. And Representative Everett Stiehl is absent because of illness."

Speaker Ryan: "The record will so indicate. Representative Getty, do you have any excused absences?"

Getty: "Mr. Speaker, may the record indicate that Representative Christensen is absent due to illness in the family."

Speaker Ryan: "The record will so indicate. Take the record will you, Mr. Clerk. There being 159 Members present the House has a quorum. On page two on the calendar under the order

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of House Bill, Second Reading appears House Bill #57, Representative McAuliffe. Is the Gentleman in the chamber? Out of the record. House Bill 101, Representative Abramson. Representative Abramson in the chamber? Out of the record. House Bill 104, Representative Abramson. Out of the record. House Bill 115, Representative Wikoff. Read the Bill."

Clerk Leone: "House Bill 115, a Bill for an Act to amend the Unemployment Insurance Act, Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Ryan: "Any motions filed?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 123, Representative Jaffe. Read the Bill."

Clerk Leone: "House Bill 123, a Bill for an Act in relationship to contracts for dance studio services and physical fitness services, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 132, Representative Getty."

Clerk Leone: "House Bill 132, a Bill for an Act to amend the Code of Criminal Procedure, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to Amendment #1?"

Clerk Leone: "No motions filed."

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Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "No floor Amendments."

Speaker Ryan: "Third Reading. House Bill 154, Representative Stearney. Out of the record. House Bill 174, Representative Pierce. He's probably out campaigning, take it out of the record. House Bill 179, Representative Wikoff. Read the Bill."

Clerk Leone: "House Bill 179, a Bill for an Act to amend the Unemployment Insurance Act, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 203, Representative Hallock. Out of the record. House Bill 209, Representative Giglio. Representative Giglio on the floor? Out of the record. House Bill 229, Representative Huskey. Is Representative Huskey on the floor? Out of the record. House Bill 265, Representative Ropp. Read the Bill."

Clerk Leone: "House Bill 265, a Bill for an Act to amend the Illinois Highway Code, Second Reading of the Bill. Amendment #1 was adopted in Committee. Amendment #2 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to Amendment 2?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 274, Representative Huskey. Out of the record. House Bill 284, Representative Stiehl. Read the Bill."

Clerk Leone: "House Bill 284, a Bill for an Act authorizing the establishment of Mobile Team In-Service Training Units, Second Reading of the Bill. No Committee Amendments."

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Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, McAuliffe, amends House Bill 284 on page 1 and so forth."

Speaker Ryan: "The Gentleman is not on the floor. Representative Stiehl, what's your pleasure?"

Stiehl: "Take it out of the record, Mr. Speaker."

Speaker Ryan: "Out of the record. House Bill 286, Representative Lechowicz. Out of the record. House Bill 287, Lechowicz. Out of the record. House Bill 309, Representative Jaffe. Read the Bill."

Clerk Leone: "House Bill 309, a Bill for an Act to amend the Illinois Insurance Code, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Any motions filed with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 334, Representative Tate. Representative Tate on the floor? Out of the record. House Bill 342, Representative Balanoff. 342, Representative. On Second Reading. Out of the record. House Bill 354, Sandquist. Out of the record. House Bill 366, Greiman. Out of the record. House Bill 378, Lechowicz. Out of the record. House Bill 385, Schraeder. Mr. Schraeder, do you care to have your Bill called? Does that mean yes or no? Out of the record. House Bill 386, Representative Davis. Read the Bill."

Clerk Leone: "House Bill 386, a Bill for an Act to amend the Illinois Insurance Code, Second Reading of the Bill. Amendments #1 & 2 were adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to Amendments #1 or 2?"

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Clerk Leone: "No motions filed."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 394, Representative Flinn. Out of the record. House Bill 435, Representative Frederick. Virginia Frederick. Read the Bill."

Clerk Leone: "House Bill 435, a Bill for an Act to amend the Inheritance and Transfer Tax Law, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 449, Representative Telcszer. Is the Gentleman on the floor? Read the Bill."

Clerk Leone: "House Bill 449, a Bill for an Act to amend the Illinois Pension Code, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 462, Representative Barnes. Read the Bill."

Clerk Leone: "House Bill 462, a Bill for an Act to amend the Criminal Code, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 496, Schneider. Is the Gentleman on the floor? Out of the record. House Bill 497, Hoffman. Out of the record. House Bill 498, Mulcahey. Out of the record. House Bill 500, Representative Hallstrom. Read it."

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Clerk Leone: "House Bill 500, a Bill for an Act to amend the School Code, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 501, Hallstrom. Read the Bill."

Clerk Leone: "House Bill 501, a Bill for an Act to amend the School Code, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Any motions filed with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. House Bill 525, Representative Peters. Is the Gentleman on the floor? Out of the record. He is on the floor. House Bill 529, Representative Woodyard. Out of the record. Messages from the Senate."

Clerk Leone: "Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution in the adoption of which I am instructed to ask concurrence of the House of Representatives to wit. Senate Joint Resolution #9 adopted by the Senate March 26, 1981, Kenneth Wright, Secretary. A message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution and adoption of which I am instructed to ask concurrence of the House of Representatives. Senate Joint Resolution #26, adopted by the Senate March 26, 1981, Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr.

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Speaker, I'm directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution and adoption of which I'm instructed to ask concurrence of the House of Representatives. Senate Joint Resolution #27, adopted by the Senate March 26, 1981, Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution and adoption of which I'm instructed to ask concurrence of the House of Representatives to wit. Senate Joint Resolution #30, adopted by the Senate March 26, 1981. A messages from the Senate by Mr. Wright, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution and adoption of which I'm instructed to ask concurrence of the House of Representatives to wit. Senate Joint Resolution #31, adopted by the Senate March 26, 1981, Kenneth Wright, Secretary."

Speaker Ryan: "Introduction and First Reading of House Bills."

Clerk Leone: "House Bill 847, Klemm, a Bill for an Act to add Sections of the Environmental Protection Act, First Reading of the Bill. House Bill 848, Polk, a Bill for an Act to amend Sections of the Illinois Pension Code, First Reading of the Bill. House Bill 849, Ralph Dunn, a Bill for an Act to amend Sections of an Act concerning public utilities, First Reading of the Bill. House Bill 850, Sam Wolf, et al., a Bill for an Act in relationship to salaries and fees for the Clerk of the Supreme and Appellate Court, First Reading of the Bill. House Bill 851, Cullerton, a Bill for an Act to amend Sections of an Act to provide for the representation of certain civil law suits, First Reading of

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the Bill. House Bill 852, Ryan - J.J. Wolf, a Bill for an Act making appropriations of the ordinary and contingent expenses of the Attorney General, First Reading of the Bill. House Bill 853, Zwick, et al, a Bill for an Act to add Sections of an Act in relationship to compensation annulments of Members of the General Assembly, First Reading of the Bill. House 854, Reilly, a Bill for an Act to amend Sections of the Illinois Governmental Ethics Act, First Reading of the Bill. House Bill 855, Tuerk, a Bill for an Act in relationship to local improvements made by special assessment or special tax benefiting a budding state property, First Reading of the Bill. House 856, Tuerk, a Bill for an Act making appropriations in the Department of Commerce and community affairs, First Reading of the Bill."

Speaker Ryan: "Page two on the order of House Bills, Second Reading appears House Bill 286, Representative Lechowicz. Read the Bill."

Clerk Leone: "House Bill 286, a Bill for an Act to amend the Criminal Code, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 287."

Clerk Leone: "House Bill 287, a Bill for an Act to amend the Criminal Code, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Getty - Lechowicz, amends House Bill 287 on page two and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Getty, on Amendment #1 to House Bill 287."

Getty: "Mr. Speaker and Members of the House, the purpose of this

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Amendment is to delete the word lewd before the word exhibit, exhibition of the genitals or pubic area of any person. The reason for that is the description which embodies the concept of the word lewd is contained already in the statute and this would be a redundancy which might cause difficulty in court interpretation. Accordingly I would move for the adoption of Amendment #1."

Speaker Ryan: "Is there any discussion with reference to Amendment #1? The Gentleman has moved for the adoption of Amendment #1 to House Bill 287. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments."

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 378, Lechowicz."

Clerk Leone: "House Bill 378, a Bill for an Act in relationship to business corporations, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with reverence to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 380, Representative Lechowicz."

Clerk Leone: "House Bill 380, a Bill for an Act to amend the Business Corporations Act, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Any motions filed with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. On page three, House Bills, Second Reading appears House Bill 737. Representative Telcsen.

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Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 737, a Bill for an Act to establish the Illinois Transit Fund, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Ryan - Telcser, amends House Bill 737 is amended on page one and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, Amendment #1 to House Bill 737 is a technical Amendment. It has no real substance in terms of changing the Bill but merely corrects a number of drafting errors that were in the Bill when it came up in the Reference Bureau."

Speaker Ryan: "Is there any discussion with respect to Amendment #1? The Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker. I have no questions on this, just a question of the chair. I wanted to know if this Bill will be called on Second Reading tomorrow for those individuals who do not have Amendments ready today?"

Speaker Ryan: "Yes, we'll hold the Bill."

McPike: "Thank you."

Speaker Ryan: "The Gentleman has moved the adoption of Amendment #1 to House Bill 737. All in favor will signify by saying 'aye', all those opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments."

Clerk Leone: "Floor Amendment #2, Ryan - Telcser, amends House Bill 737 on page one, line three and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, Amendment #2 simply provides the administrative expenses, the payment of administrative expenses to the Department of Revenue for handling the transfer of various funds from the areas in which we set up the collection of and disbursement from

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funds which would be generated from the gross receipts tax.

The Bill also gives the Auditor General's office the power to oversee the administration of funds."

Speaker Ryan: "Any more discussion with respect to Amendment #2 to House Bill 737? The Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. Will the Gentleman yield to a question?"

Speaker Ryan: "He indicates he will. Mr. Laurino, would you be seated, please?"

Lechowicz: "The second portion of the Amendment as far as the Auditor General that would give them the authority to audit both the CTA and the RTA as it presently exists?"

Telcser: "Yes, it would, Representative."

Lechowicz: "Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative Bowman."

Bowman: "Question of the Sponsor, Mr. Speaker."

Speaker Ryan: "He indicates he'll yield."

Bowman: "In the part of the Amendment that deals with the Audit of the Chicago Transit Authority, it is limited to be a performance audit. I would like to ask why that limitation was imposed."

Telcser: "Representative, if you look at the Amendment, it's not limited to performance audit. That's new language. If you look at the existing language it says such audit may be a financial, management, or program and with added or performance. We've simply given the Auditor General an extra area in which to look."

Bowman: "Well, I'm reading that but the old language pertains to both the RTA and the CTA and the additional new language that is added follow in line 23 following the word thereof. It says 'except the audit of the Chicago Transit Authority shall be a performance audit' so it strikes me that that's

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limiting language not broadening language. And I would just wonder what your intent is in that regard."

Telcser: "It's our opinion that that language would be added does not restrict the Auditor General's function regarding the CTA but simply specifies what we hope will be an annual performance audit regarding the various functions of the CTA with their routes and what have you."

Bowman: "Okay that's fine with me but it doesn't look like that's what it says. Thank you."

Speaker Ryan: "The Gentleman from Kane, Representative..the Gentleman from Sangamon, Representative Kane."

Kane: "Would the Gentleman yield?"

Speaker Ryan: "He says he will."

Kane: "On that same issue if that's what you're trying to do why do you have that language in there at all? You don't need that language."

Telcser: "Because, Representative, when the Bills came out of the Reference Bureau the language was missing and we wanted to be sure it was in there."

Kane: "No, you're taking care of what you want to take care of on line 65. If that's all you want to take care of you don't need lines 23 and 24 and I think that the point that Representative Bowman made that that's limiting language is correct."

Telcser: "Except on line 65, Representative, it's not mandated. We want to mandate the performance audit."

Kane: "Well if you're trying to ... why don't you then just change the 'may' on line 64 to 'shall'? I think the way you've done it is that you've limited it regardless of what your intention is. The language limits."

Telcser: "It may appear a little awkward if you want to file a subsequent Amendment to clean it up. I think we want to do the same thing. We're in agreement with what we want to

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do. Maybe it's a question of semantics. ..this does what we want to do."

Kane: "Why don't you withdraw this Amendment then and do it right?"

Telcser: "Representative, we believe it's right that we're talking about doing the same thing as I say, maybe it's a question of semantics."

Kane: "Yes, but when semantics gets to court they don't look at our arguments. They look at the words and the words are limiting."

Telcser: "We simply want to mandate an annual performance audit in the CTA. The language in my judgement says that..."

Kane: "Why don't you withdraw this Amendment and do that?"

Telcser: "And I'd like to adopt the Amendment."

Kane: "That's not what the Amendment does."

Telcser: "Representative, look at the language again. What the language clearly states is that the Auditor General can perform a number of types of audits in reference to the CTA, however, we mandate in that language that he must do at least a performance audit with the CTA. The language in my view is very clear and very succinct."

Kane: "Not when you have 'except' in there and you don't have ..."

Telcser: "But what the 'except' says is that no matter what you choose to do regarding an audit, whether it's a management audit or a program audit you must at least do a performance audit. Representative, what if we just change on its face, the language says 'except the audit for the Chicago Transit Authority shall be' and change that to 'Transit Authority shall include a performance audit'. Representative Bowman just came over here, he feels that makes it clear. We agree if you do."

Kane: "That would be fine. You could even clear it up more by

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putting a period after 'thereof' and strike 'except' and start that sentence with 'The'."

Telcser: "Will the Clerk amend it on its face?"

Speaker Ryan: "Is there leave to amend the Amendment on its face? Hearing no objections leave is granted."

Telcser: "On line 24 in place of the word 'be' put in the word 'include'."

Speaker Ryan: "Would you repeat the change, Representative Telcser?"

Telcser: "On line 24 strike the word 'be', Transit Authority shall be, strike 'be' and insert the word 'include'."

Speaker Ryan: "Any further discussion? The Gentleman from Marion, Representative Friedrich."

Friedrich: "Representative Telcser, would you go through this one time now as to what it does with the Amendment just made? The reason I'm asking is we keep putting duties to the Auditor General who is already pretty well loaded up and I think when we start doing things like this they can be pretty well defined as to what he's expected to do."

Telcser: "Representative, what Amendment #2 does is add language regarding to Auditor General's function in reference to the Chicago Transit Authority. What we are doing with the Amendment is specifically mandating that the Auditor General do at the very least an annual performance audit in reference to the Chicago Transit Authority and that the costs which the Auditor General's office incurs in doing this audit be paid to him out of the Illinois Transit Funds."

Friedrich: "Well, there is nothing that spells out the scope of the audit just as a performance audit. You're going to leave that up to the discretion of the Auditor General?"

Telcser: "I said it leaves to the discretion of the Auditor General to devise parameters within which the performance

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audit would be performed. The same is true for the functions he can...he already carries out in terms of the financial management, financial audit or management audit or a program audit. The Auditor General determines within what parameters his office will do those functions."

Friedrich: "Well, it may be a financial, management program or performance and he doesn't need to do all four."

Telcser: "I'm sorry I didn't hear you, Representative."

Friedrich: "I say that this audit could be one of, he had a discretion of making one of four types of audit."

Telcser: "That's right except that he must at least do the performance audit. He can choose on his own whether or not he wants to do a financial, management or program audit but the performance audit must be done on an annual basis."

Friedrich: "My Amendment says or performance or... that's not correct then."

Telcser: "If you continue to read, Representative, it's the same question we had before. Such audit may be a financial, management, or program or performance audit. And if you go to line 23, or any combination thereof, except the audit to the Chicago Transit Authority shall include a performance audit. So what we say then is that there should be at the least an annual performance audit. It is up to the Auditor General to perform the others if he wishes to."

Friedrich: "Thank you."

Speaker Ryan: "The President of the Senate, Senator Rock, is with us here today on the podium. The Gentleman from Cook, Representative Leverenz."

Leverenz: "Thank you. Will the Sponsor yield? Could you explain who thought this Amendment up? Is this one of Mr. Skinner's Amendments? It's probably very well intentioned."

Telcser: "Representative, I couldn't tell you where it came from.

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If it was a staff recommendation I just don't know. I don't know the ideology of this Amendment."

Leverenz: "Okay, the fact is you do not ask or explain the performance of what? The performance of the trains run on time. The performance that the buses run on time. The performance is the payroll being paid on time? And I would humbly request that you would perhaps take this out of the record at this point and we can get a better Amendment because in a discussion with the Auditor General the question is, what is the scope of the audit and what you're trying to accomplish."

Telcser: "Well, Representative, performance audit, I think, speaks for itself."

Leverenz: "It does not."

Telcser: "I think it does. This is similar to what we did with the educational question we had a couple of years ago. The Auditor General will look to see if the agency is performing its functions with reasonable costs relationships to those functions. That's something I think the Auditor General's office does every day."

Leverenz: "Well, you might find that that would be included under a management audit. It might be..."

Telcser: "Mr. Speaker."

Speaker Ryan: "Mr. Telcser."

Telcser: "For reasons which I can't quite understand are a lot of questions regarding Amendment #2. I'll be delighted to take it out of the record if Representatives Leverenz and Kane want to get together and draft another Amendment that in their view more succinctly describes what we're looking for. You can add it on as another Amendment at the end of the game."

Speaker Ryan: "Take Amendment #2 out of the record. Are there further Amendments?"

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Clerk Leone: "Floor Amendment #3, Matijevich, amends House Bill 737 on page five and so forth."

Speaker Ryan: "Mr. Clerk, has that Amendment been printed and distributed? Has that Amendment been printed and distributed?"

Clerk Leone: "No it hasn't."

Speaker Ryan: "Alright, Mr. Telcser, do you want to take this Bill out of the record? Out of the record. House Bill 738, Representative Telcser. Read the Bill."

Clerk Leone: "House Bill 738, a Bill for an Act to establish the Collar County Transit Assistance Act, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Ryan - Telcser, amends House Bill 738 as amended."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser on Amendment #1."

Telcser: "Mr. Speaker and Members of the House, Amendment #1 is another technical Amendment. When the Bills were drafted the Reference Bureau left out some existing language which is in the current Act dealing with tax revenues that we already have. What Amendment #1 does is reinstate that existing language which the Reference Bureau inadvertently left out."

Speaker Ryan: "Any discussion? The Gentleman from DuPage, Representative Daniels."

Daniels: "I'm not sure I understand this Amendment and I just want to make sure that I have a complete understanding of what it's about. As I understand under the Bill the counties would be able, the collar counties that is, would be able to use the one quarter percent tax revenue for roads but this Amendment deletes that Section. Is that correct?"

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Telcser: "Representative Daniels, my first answer is no in answering your question. Secondly, the quarter cent is a combination of a number of taxes four taxes the language of which were left out when the Reference Bureau, two of the four were left out when the Reference Bureau drafted the Bills. We are simply reinstate in putting back in the language which was in the original Act that we are now amending."

Daniels: "But where does it say that we can't use the quarter cent for roads under the original Act that was drafted? So you could use it for roads then? Just to make it easy on you, our staff says that you could use it for roads and what this Amendment does it takes out our authority to use it for roads."

Telcser: "Representative, on page four, Section E, the last two lines of the first paragraph if you read it says, permitted counties pursuant to Division 7 of Article 5 the Illinois Highway."

Speaker Ryan: "Have you completed your questioning, Representative Daniels?"

Daniels: "No."

Speaker Ryan: "Continue, please."

Daniels: "We have some discrepancy here and I'm just trying to work it out so we understand what we're dealing with. I understand your comment then is the way the Bill will be amended according to this Amendment. We would still be able to, if we desire, use the quarter cent for roads. Is that correct?"

Telcser: "Correct."

Daniels: "As well as for operating in capital expenses for public transportation?"

Telcser: "That is correct."

Daniels: "Okay, thank you."

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Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Will the Sponsor yield to a question, Mr. Speaker?"

Speaker Ryan: "He indicates he will."

Lechowicz: "Would Amendment #1 authorize the collar counties to impose a service occupation tax and use tax of one quarter percent?"

Speaker Ryan: "Just a minute, Representative. Let's have the Members get in their seat if they will please. Could we clear this aisle here a little bit, Mr. Doorkeeper. Take the unauthorized people off the floor. Proceed, Mr. Telcser."

Lechowicz: "The answer is yes? It will provide for a quarter percent tax?"

Telcser: "It continues the same taxing powers which the RTA has in that area right now?"

Lechowicz: "Do you have any idea what that quarter percent generates as far as .. occupation and use tax within that area?"

Telcser: "Approximately \$24,000,000. I'm told ... that."

Lechowicz: "May I ask that you provide a fiscal note because according to our interpretation a 738 and your recommendations for reduction and the taxes contain in this series of Bills, it will not generate enough money for the purpose has been stated as far as providing revenue for mass transit, roads and bridges. And for that reason I don't want to be dilatory in any way but I just want to know the true revenue picture as you perceive it so then maybe we can compare our projections to make sure that we know to the best of our ability what the revenue picture is."

Telcser: "Sure, I'd be glad to."

Speaker Ryan: "Are there any further questions? The Gentleman

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from Will, Representative Davis."

Davis: "Well, Mr. Speaker, I guess the question that I would have would parallel Representative Lechowicz. I'm not sure of their revenue projections that would be available in terms of what's available for the collar counties as well since I come from one. And frankly, Mr. Speaker, that's what's the problem with this entire procedure that we have. I look around on the floor and I see the Governor's people, I see the Department of Transportation people and I look at words being fed into the ears of some of the Sponsors of the Amendments. I'm sure more words will be fed in, Mr. Speaker. And I'm not sure any of us know what's in these Amendments. They've just been printed and produced today. No one is aware of what is really going on here. We're hastily proceeding on a course of a major tax increase in the State of Illinois. Part of which would go to fund an inefficient and bloated operation in the city of Chicago that really needs nothing until it cleans up its act. And I don't understand what we're doing but I would hope for a little more clear and concise answers. Representative Lechowicz was absolutely correct in requesting a fiscal note on this item and there will be more fiscal notes to be requested. I would like to know what the figures are for the collar counties as well since that's my parochial interest but I think the State of Illinois is interested in everything that's going to happen today and I would caution the Sponsors of the Amendments to please have available information when the questions begin."

Speaker Ryan: "Any further questions, Representative Davis? The Gentleman from Macon, Representative Dunn."

Dunn, Jack: "Thank you, Mr. Speaker. Just a point of inquiry. Is it going to be the policy of the Speaker to have the television light on all day?"

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Speaker Ryan: "I really don't know. Did you not put your make-up on this morning?"

Dunn, Jack: "To the best of my ability I did, your honor, but I'm still woefully inadequate and I...if we're going to be here all day I don't see any reason to have the TV light on and I would respectfully request that it be turned off."

Speaker Ryan: "Well, it's only 10:00, Representative, and I think maybe later on today we may turn that off. That's the will of the chamber but I think for now we will leave it on. Is there any further discussion on Amendment #1? The Gentleman from Cook, Representative Bowman."

Bowman: "Question of the Sponsor."

Speaker Ryan: "He indicates that he'll yield."

Bowman: "The Bill provides for a retailers occupation tax and the Amendment provides for a service occupation tax. Am I correct in understanding that there is no mention of use taxes in either the Bill or the Amendment? Am I correct that there is no mention of use taxes in either the Bill or the Amendment and that is intentional?"

Telcser: "I'm not quite sure what your question is, Representative, but if you look at page three there is a, page three about the seventh or eighth line down.."

Bowman: "Wait, of the Amendment or the Bill?"

Telcser: "The Amendment."

Bowman: "I'm sorry, okay."

Telcser: "There is a reference to a use tax. I don't know if that's what you're asking me or not."

Bowman: "I see. Is that a retail and service use tax or just one of those?"

Telcser: "The retail tax is a service occupation tax actually."

Bowman: "Right, we also have use taxes and I'm trying to figure out the, on page three I see where you're referring. It just says in the use tax act, does that include both the, I

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don't have the statute books in front of me. Does that include both the service use tax and the retail use tax? I just want to make sure we have the full scope of the tax ..."

Telcser: "You're absolutely right. We're going to get that answer for you."

Bowman: "Thank you."

Telcser: "We might have to stay here all day but we'll get that answer for you."

Bowman: "I would be happy, if you want to move the Amendment and.. while you're looking that up I would just like to remind the Assembly that last time we enacted a tax in the RTA region for the purpose of providing mass transit we neglected to include all of the taxes that are normally referred to as sales taxes in the base and consequently the revenues that were received were less than we had projected. And I would like to avoid making that error again. That's why I'm pursuing this line of questioning."

Telcser: "Representative Bowman, perhaps this will answer your question. Amendment #1 to House Bill 738 adds the language so that the collar counties can levy a quarter percent service occupational tax and a use tax as well as a retailers occupational tax. Does that answer your question?"

Bowman: "So that all, I just want to make sure I understand it, so that all of the taxes that we consider to be collectively sales taxes are now included with this Amendment. Is that correct?"

Telcser: "Correct."

Bowman: "Thank you."

Telcser: "Which is the existing law by the way."

Bowman: "Right. After we cleaned it up. No further questions, Mr. Speaker."

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Telcser: "Mr. Speaker, I now offer to move the adoption of Amendment #1."

Speaker Ryan: "Well, we have some more questions, Representative.

Do you want to hold that? Representative Getty."

Getty: "Will the Gentleman yield?"

Speaker Ryan: "He indicates he will."

Getty: "Mr. Telcser, I ..does this intend to tax just sales within the county so that if there's a sale to somebody who's a resident outside of the area would that also be taxed?"

Telcser: "Only...it's only for transactions which take place within the county."

Getty: "So that if the sale is to a resident of Sangamon County there would be no tax. Is that correct?"

Telcser: "That's correct."

Getty: "Alright, now this also is going to place a tax if I read it correctly on real estate commissions. Is that correct? So that if a home within the county is sold to somebody who also lives in the county there would be a tax imposed on the real estate sales commission. Is that correct?"

Telcser: "I'm looking for the language to which you refer, Representative."

Getty: "I'm referring to or in the form of real estate as an incident to a sale of service. I'm trying to get just exactly what that means."

Telcser: "What page is it on, Representative? On page three?"

Getty: "Well, it's the seventh line down from B on of your Amendment #1."

Telcser: "It would include a tax on that service."

Getty: "So, it would be a quarter percent tax on the real estate sales commission not on the entire sale of the house. Is that correct?"

Telcser: "Correct."

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Getty: "Alright, now how about the personal property that's in the house? Is there also a separate tax on that?"

Telcser: "Representative, perhaps I can answer your question this way. If you look on page three of the Amendment you read the first four lines, in the example you site, the personal property in that transaction would not be purchased from a retailer. The language at the top of page three has reference to items being purchased from a retailer. I would therefore, say that the quarter cent would not be imposed upon the sale of the personal property. If the realtor would receive a commission as a service on the personal property tax then it would be a quarter percent on the amount of the commission the realtor may receive for that."

Getty: "But as I understand it you're only imposing the tax on the realtor for the amount.."

Telcser: "On the commission. On the commission pay."

Getty: "But the commission on the real estate as I read."

Telcser: "Right."

Getty: "So that there is no commission imposed on the realtor or the person selling the house for the personal property that's incidentally in the house that goes with the sale."

Telcser: "Right."

Getty: "Okay, now again in this real estate situation, just to clarify this, we understand that this is a tax imposed if the sale is to a buyer who is from, we'll say Cook County, but again if it's a buyer from Sangamon County it would not be imposed. Is that correct?"

Telcser: "In retail sales, correct."

Getty: "No, no."

Telcser: "You said retail sales?"

Getty: "No, I'm talking about real estate. Okay, if the buyer is a buyer from outside of, I'm sorry, outside the collar

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counties, say from Sangamon County and the Sangamon County resident buys real estate located in the area would there be a tax imposed on that commission?"

Telcser: "The example you've sited I would say that there would be no tax imposed because the real estate transaction is taking place in Sangamon County."

Getty: "No, no. The real estate is located in the area where you wish to impose the tax..."

Telcser: "Sangamon County residents is buying a piece of property in a collar county?"

Getty: "That's correct, sir."

Telcser: "Then there would be a tax but if a collar county resident is buying a piece of real estate in Sangamon County then there would not be a tax in that example because the transaction would then be taking place in Sangamon."

Getty: "Then we'll go back to the first question that I ask and just make sure that that answer was correct that if the sale of services, I'm not talking about real estate, but sale of services is to a Sangamon County resident by a person providing services in the collar counties that there would be no tax imposed."

Telcser: "I want to be absolutely sure I answer you correct, Representative. I don't want to give a wrong answer."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Alright, Representative, to use the legal parlance I'd like to strike everything we discussed and I'd like you to start at the beginning with your questions regarding real estate commission taxes and the tax from one county to another. Alright? Let's disregard what we discussed. I think I may have mislead you."

Speaker Ryan: "Representative Getty."

Getty: "Are you saying then, Representative Telcser, that the

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answers to the questions which I previously propounded were incorrect?"

Telcser: "They may or may not have been and I want to be sure I haven't mislead you so I'd you to start from the point to the beginning of your questioning."

Getty: "Alright, the first question then, which was also the last question, if there is a sale of service in one of the collar counties and the sale is to a resident of Sangamon County is the tax imposed?"

Telcser: "Let me first of all say that the tax, the quarter cent tax has to do with merchandise which is transferred in the course of service occupation. As an example, if a tradesman performs some work in your home in that county there is no quarter cent tax on that service but there would be a quarter cent tax on perhaps a material that that service person used while performing their services in your particular county."

Getty: "Would you give me an example of that so that it's clear?"

Telcser: "An example, you call a plumber to your home and you live in the collar counties, plumber installs a new faucet, there is a quarter cent tax on the faucet but not on the service the plumber performs."

Getty: "Alright, now if the plumber is a plumber from the collar counties but he's called to install a faucet in Sangamon County, is there a tax imposed?"

Telcser: "No, because there's no tax then because the transfer of the merchandise took place in Sangamon County."

Getty: "Alright, now then we have..."

Telcser: "Go back to the real estate commission..."

Getty: "In the form of real estate as an incident to such sale, now my question there was, if there is a sale of real estate in the collar counties, is there a tax imposed on the real estate broker in the amount of his commission if

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the sale is to somebody who is a resident of one of the collar counties?"

Telcser: "No, the only tax which could be imposed on a real estate transaction would be if during the course of that transaction there is a transfer of personal property. If the sales contract or otherwise indicates a transfer of personal property the quarter cent tax would take place on that transaction. Not on the transaction of the real estate nor on the service of fee which the realtor would receive for performing his or her service."

Getty: "Well, I'm reading from the language making such sales of service transfer tangible personal property within the county either in the form of tangible personal property or in the form of real estate as an incident to a sale of service."

Telcser: "If you read the next sentence, Representative, I think it will clear it up for you."

Getty: "Alright, but clearly you don't intend to impose any tax on the transfer of real estate per say."

Telcser: "That's correct."

Getty: "And no tax on real estate brokers sales commissions. Is that correct?"

Telcser: "That's correct."

Getty: "Alright, then what about if the transfer is a transfer of personality because the real estate in question is being held in a land trust which by operation of law becomes personality. Is there a tax then imposed upon this transfer of personality?"

Telcser: "Representative, you've got some awful good questions by the way."

Getty: "Thank you, I work at it."

Telcser: "It is not the intent of the legislation to impose a tax on personal property which is transferred in the form of a

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land trust. You're absolutely correct. A real estate transaction in which the beneficial interest of a land trust is transferred from one to another is indeed a personal property tax sale. It is our view that the legislation deals with sales at the retail level and therefore, a change of beneficial interest in a land trust not being conducted at the retail level would not be covered in the legislation. However, I'd be delighted to take further Amendments to clarify the fact that it is not the intent of the legislation to include personal property tax sales which are embodied in the transfer of beneficial interest from land trust. From one land trust to another."

Getty: "Alright, then my next question is, in the case of attorneys and accountants for example, in title companies for example, they provide in each case a service and incidentally to that service they also would transfer some personal property for example, there would be a letter of opinion, a title guarantee policy in the case of a title company. There would be in the case of an attorney, he might have some work product which would be delivered to the client in one form or another. The same thing in the case of a CPA in giving an opinion following his audit and so forth. Now, is there any intent to impose any tax on accountants, CPA's, lawyers, title companies, and the like?"

Telcsor: "Representative, let me first of all repeat, there is nothing in this legislation that would impose a tax upon services, services of an accountant or a lawyer or title company. Now, I think, are you asking in your question then when an accountant finishes his or her work and they give to their client a booklet with the information are you considering that?"

Getty: "Since there are tangible items of personal property which

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would in fact change hands incidentally to the service which is rendered which is exactly the type of language you're using in your Amendment, I want to clarify that it's not your intent to impose an incidental tax on the transfer of these items."

Telcser: "It's not our intention to tax the work which some of the service businesses performs, simply because it's reduced to writing and given to a client. It's never been construed that the work product reduced to writing constitutes personal property. The language we have in the Amendment really comes from the existing law and I think as you know, the law has never been construed to tax the work product of a professional. That happens to be reduced to writing in a booklet form or on a piece of paper."

Getty: "Well, there are for example in Representative Darrow's area, they still use abstracts. Now, abstracts are handed down, if you will, from generation to generation, from one owner to another owner. They are, in fact, or become although they were initially somebody's work product. They become tangible personal property which in turn are handed down from owner to owner referred to attorneys to further review and update. This would be an example of tangible personal property which would be in effect incidental."

Telcser: "Representative, a person in the service business who performs their work and then reduces the result to their work to writing, and hands it to the client or to the customer, is not transferring personal property. That person is simply performing their service. I don't believe any court has ever construed that dead end product as personal property therefore, triggering a tax. I don't know, it may become personal property for another generation, I don't know of any court cases that so indicate but clearly it is not personal property when it

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comes from the professional to the client."

Getty: "Well, what I'm most interested in is that you are not intending to impose any tax or any delivery of personality incidental to the practice of the various professions that is in the nature of work products either individually to that practitioner or accumulatively such as in the case of a title abstract that would be handed down from generation to generation."

Telcser: "You're absolutely correct. We're not attempting to perfect, so to speak, the work product of professional into personal property."

Getty: "Okay, now I recently went to my dentist and I had an inlay, a gold inlay put in, again would this be would there be a tax on the dentist for the delivery of that gold inlay to me which is incidental to the delivery of service?"

Telcser: "How's your tooth, by the way. Okay?"

Getty: "Yes, it's much better. You know a couple of weeks ago when I had that bad toothache, well it's all alright now."

Telcser: "Well, I'm delighted you're feeling better, Representative. The answer to your question, is yes, it could be construed that the gold, the material which the practitioner used could be taxed. That would be a transfer of merchandise much like the faucet. It's a costly 'intragal' part of the service that could be taxed."

Getty: "Alright, is that presently taxed under existing law?"

Telcser: "Yes. It may not be enforced too well but I'm told..."

Getty: "To the ultimate purchaser or to the dentist?"

Telcser: "I'm sorry, was that another question?"

Getty: "My question is, is that presently taxed, the gold, I'm talking about the same gold filling, is it taxed presently either to the ultimate purchaser, the patient like myself or is there a tax on the dentist either one?"

Telcser: "Yes, there is a tax."

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Getty: "Alright, now how about a doctor who implants a pace maker, God forbid, in one of our hearts. Is there a tax on the doctor?"

Telcser: "The pace maker itself, that item, that product, could be taxed under existing law, under existing law. This is a new law we're creating now."

Getty: "But it clearly would be taxed under this law too."

Telcser: "The same as it could be under existing law, correct. And the same example holds true for the gold that the dentist put in your tooth."

Getty: "Alright, well thank you very much for your answers."

Telcser: "Thank you very much for your provocative questions."

Getty: "It's always a pleasure, Mr. Telcser."

Speaker Ryan: "Representative Getty, do you have your plumbing fixed, your teeth fixed, your heart's okay now? We can proceed, Representative Madigan."

Madigan: "Mr. Speaker, I have a question of the Majority Leader. Will he yield?"

Speaker Ryan: "On this Amendment?"

Madigan: "Yes."

Speaker Ryan: "Yes, he indicates he will."

Madigan: "Mr. Telcser, will you have the benefit of Mr. James Fletcher or someone else from 'Winston-Straun' to answer all of these questions?"

Telcser: "Would I have the benefit?"

Madigan: "Do you. Do you have available to you now either Mr. Fletcher or someone else from 'Winston-Straun' to answer these questions?"

Telcser: "I've just been informed that Mr. Topal is with me helping me answer the questions who is on contract with the Department of Transportation."

Madigan: "He's on contract with who?"

Telcser: "The Department of Transportation."

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Madigan: "Well, that's very interesting. His name appear on the contract with 'Winston-Straun'."

Telcser: "It may very well. I haven't seen a contract from 'Winston-Straun'. I also understand he's also a member of the Winston-Straun law firm."

Madigan: "Fine, and could you tell us what the average rate being charged us by the Winston and Straun law firm?"

Telcser: "I have absolutely no idea, Representative. The same rate that I .."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson, for what purpose do you rise?"

Vinson: "Would you please counsel the Minority Leader to confine his questions to the subject of the Amendment?"

Speaker Ryan: "Your point is well taken. Mr. Madigan, would you confine your remarks to the Amendment, please. Your questions thus far haven't been in those lines."

Madigan: "For my part I think that the question was very germane to the Amendment because the people of the state and we are all tax payers are paying for the legal counsel that was brought in to draft the Bill which on the very first question was shown to be defective. Next question."

Telcser: "What was defective, Representative?"

Speaker Ryan: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We are honored to have among us this morning the former Assistant Majority Leader of the House, Deacon Corneal Davis, now the Board of Election Commission in the city of Chicago."

Speaker Ryan: "Corneal, stand up and take a bow. Nice to have you with us. The Gentleman from Cook, Representative Piel."

Piel: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

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Speaker Ryan: "He indicates he will."

Piel: "Alright, just one area of clarification and going back a little bit to what Representative Getty said. I buy a home, they're not permanent fixtures but let's say that included in the price of this home are the let's say the refrigerator, the stove, washer and dryer. Now, am I going to be taxed when I purchase this home on those pieces of personal property?"

Telcser: "Well, as a realtor you know, Representative, that there's always that question of what's a fixture and what isn't. What belongs to the real estate and what does not. But I would say in the example you've just given me you would have to pay the tax on the personal property items which may be transferred in the course of that sale. So if it's ain the contract, if it's personal property in the contract you would have to pay the tax if you were in the collar counties or the suburbs. But if it's part of the real estate, no."

Speaker Ryan: "The Gentleman from Cook, Representative Huff."

Huff: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Ryan: "He indicates he will."

Huff: "Alright, Mr. Telcser, in responding to a question from Representative Getty in which he asked for an example, you gave the example of the plumber. I would like to ask you what would happen if the plumber provided services to someone but the service was not recorded. By that I mean he took out, he was not obligated to take a permit out under the municipality which he works. In the event that that happens wouldn't that sale be lost as far as the tax is concerned?"

Telcser: "Well, Representative, we have faith in the basic honesty and integrity of people and just as is the case now

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in a four single law that we assume that people will report sales."

Huff: "Yes, but Mr. Telcser, the reality is that government, the way it imposes its laws, tends to make liars out of us all. It makes us dishonest citizens. I'm trying to show that this Amendment is deficient in that regard in that it's relying on the people to be honest but what would happen if a plumber did sewer work or plumber work without recording that work with the municipality in the form of a permit. Wouldn't that sale, that sale would not be recorded so therefore it would not exist."

Telcser: "That, if the plumber did not wish to report the transfer of the faucet and report those sales then he or she would be in violation of the law. And if they violate..."

Huff: "Well, wouldn't it follow that any sale of any personal property without the sale of that property being recorded with the municipality under which it took place? Wouldn't that sale be lost? It would not be reflected as such. Would not be reflected as a sale and therefore, no tax would accrue."

Telcser: "In your example that you're correct."

Huff: "Thank you."

Speaker Ryan: "The Gentleman from DuPage, Representative Daniels."

Daniels: "On the tax we're referring to in municipalities, let me use an example out of DuPage County. Let's say that the county of DuPage opts out of the TFA and does not desire to furnish a suburban bus system so does not levy the quarter cent. But the municipality of Elmhurst wants to have its own suburban bus system, does it have the authority to levy the quarter cent?"

Telcser: "Only counties can oppose the tax which would be county

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wide."

Daniels: "So the municipality itself could not impose a tax. Now how does the municipality then pay for the system if the county does not decide to have a transit district?"

Telcser: "Correct a municipality couldn't do it on its own."

Daniels: "How does it pay for the system then?"

Telcser: "It would have to, under the provisions of their municipality, raise whatever tax they wish. A real estate tax, higher fares, whatever."

Daniels: "All I'm trying to do is get this clear in my mind because many of us have heard our collar counties say that they want to opt out and create their own suburban system. However, others have said they don't want to have any system and they're going to leave the municipalities to do it themselves. Now, in this specific instance, if the city of Elmhurst set up its own municipal bus system, you're telling me that the city of Elmhurst would have to pay for that system on its own 100%. Is that correct?"

Telcser: "Representative, the city of Elmhurst, in your example, could do a number of things. Number one they could apply for a subsidy. Number two they would have to obviously have a fare level that would be adequate. They could impose a local tax if they wished but clearly they would could apply for a one-third subsidy under the provisions of the legislations we're now proposing."

Daniels: "Did you want to add something? The question that was just asked of me to ask you, Representative Karpel thought that you had to impose the quarter cent in order to get the the one-third subsidy."

Telcser: "No, it's just got to be a transit district."

Daniels: "...would qualify for that one-third subsidy..."

Telcser: "If they were a transit district they could apply for the one-third subsidy."

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Daniels: "And so would the county of DuPage if it stayed in could still qualify for the third subsidy."

Telcser: "Yes, they would."

Daniels: "You'd have third subsidy in the county of DuPage at Third and Elmhurst and in the other municipality that had its own. And you'd have the quarter cent tax overall. Is that correct?"

Telcser: "Right."

Daniels: "Now, what other, if we look at the collar counties alone and if they don't decide to set up their own transit system, then we are in essence telling the local municipality that it has to pay two-thirds of its total cost if they apply for the subsidy and that their fare box is almost mandated at that level. Is that correct? Time out for a conference."

Telcser: "Well, Representative, it would depend on a circumstance. You could get a number of municipalities in a county to form a transit district which could cover two or three municipalities within a county. They could also apply for federal funds. Again the one-third subsidy from the state they could apply for and they would yes have to have a fare box level that would help support the system much like many members feel that the CTA ought to have an adequate fare box level."

Daniels: "But in this particular case with the city of Elmhurst they would have no choice because the only thing they qualified is one-third subsidy they wouldn't receive any other funding. Is that correct?"

Telcser: "Nor would any other county or any other transportation district."

Daniels: "How about the CTA?"

Telcser: "The CTA has to apply for funds in the same fashion."

Daniels: "They get what percentage?"

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Telcser: "I couldn't tell you what percent.. The CTA claims they get 50 some percent back from the fare box and ..."

Daniels: "Now, the CTA gets 1% tax in that area. Correct? Of the TFA. One percent of the TFA. Alright, and what else, what other funding they receive? They receive a third of the operating costs? Is that right or wrong?"

Telcser: "No."

Daniels: "No, okay, they receive any other state subsidy?"

Telcser: "Under this Bill they would only receive monies which would be appropriated through the TFA."

Daniels: "Out of the Illinois Transit Fund."

Telcser: "Correct."

Daniels: "Determined by the General Assembly."

Telcser: "Correct."

Daniels: "And that would be out of funding and monies that would be collected out of the 5% gross receipts tax?"

Telcser: "Correct."

Daniels: "So in other words they would in that form receive a state subsidy. Is that correct?"

Telcser: "That is correct."

Daniels: "But none of the other areas outside of the CTA system would receive that type of a subsidy. Is that correct?"

Telcser: "The subsidy which they could apply for, like the city of Elmhurst could apply for, would come from the same fund that the CTA gets the money you just described. They make applications to the same fund."

Daniels: "Up to one-third."

Telcser: "Correct."

Daniels: "But that's not true with the CTA? There's not that limitation on it."

Telcser: "That is correct."

Daniels: "Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative

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O'Connell."

O'Connell: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

O'Connell: "Representative Telcser, getting back to the line of questioning that Mr. Getty was presenting to you, there seems to be a discrepancy in an answer that you gave Mr. Getty and an answer that you gave Mr. Piel. Regarding the sale of real estate and the tax of the personal property pursuant to that sale. If I recall correctly the answer you gave to Mr. Getty was that personal property transfer pursuant to a real estate transaction would not be taxed because the tax is imposed upon a retail sale as opposed to a real estate transaction."

Speaker Ryan: "Representative Telcser."

Telcser: "No, I don't think I said that. In a real estate sale the personal property tax which is transferred would be subject to the quarter cent tax. I believe that's what I told Representative Getty."

O'Connell: "I thought that what you had indicated to Representative Getty was that the service occupation tax which this reflects, the existing service occupation tax, that tax is a tax on the retailer who would install new personal property pursuant to a service."

Telcser: "No, what I said was, someone who performs a service would be in a situation where the only tax that would be imposed would be upon the merchandise, would be upon the tangible items that are transferred during the course of the work. I used the example of a plumber and a faucet. In a real estate transaction the real estate would not be taxed but any personal property tax that is transferred during the course of that transaction would be taxed. The realtors commission would not be taxed because it's a

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service."

O'Connell: "Then Representative.."

Speaker Ryan: "Could you hold your question just minute. Alright, let's bring the House to order. The Members are having a difficult time hearing. Please be in your seats and knock off some of the side discussion here. Proceed, Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. Then to put it in practical terms, Representative Telcser, in the course of a normal sale of real estate there is an addition to the normal documents transferring the real property. There is also a bill of sale which transfers the personal property pursuant to that real estate transaction. Presently there is no amount placed on the personal property. Are you saying that pursuant to this particular Amendment that from henceforth that the personal property on a bill of sale would have to be placed an assessment of value in order to impose a quarter percent tax?"

Telcser: "It would have to be an estimate of fair market value upon which would be imposed a quarter cent tax. But there would be a tax liability on the transfer of those personal items."

O'Connell: "Representative Telcser, who would have the obligation to collect that tax?"

Telcser: "Who makes the sale or the transfer."

O'Connell: "The seller of the personal property."

Telcser: "Right because they have received the funds."

O'Connell: "Has there been any machinery considered in order to assist the seller of personal property as there is currently machinery to assist the seller of real property in terms of collecting that tax? For example, the seller of real property would in addition to recording his deed also include compensation for the real transferred tax and

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that is collected by the recorder of deeds. Is there anything considered in terms of the collection for the tax imposed on the personal property?"

Telcser: "No, not in the bill but I would assume as is the case many other taxes, the Revenue Department first of all will promulgate rules within which to help collect his tax. And secondly, the Revenue Department always stands ready to take tax inquiries and help people in paying their taxes, understanding what the rules and regulations are."

O'Connell: "One more question, Representative. This tax is imposed, if I understand it correctly, not only on the collar counties but Cook County as well?"

Telcser: "Yes, currently it is, right."

O'Connell: "Cook, all six counties?"

Telcser: "All six counties, quarter cent outside. Currently it's one cent in Cook."

O'Connell: "Thank you."

Speaker Ryan: "The Gentleman from Will, Representative Davis."

Davis: "Thank you, Mr. Speaker. A question of the Sponsor. In pursuing the line of questioning opened a little bit earlier, Representative Telcser, this Amendment would create a quarter percent sales tax authority for the collar counties indeed if they opt out. Now, since indeed the CTA and RTA Acts were adopted before the State Mandate's Act was adopted and resolved by this Legislature last year, let me ask you this question: If the collar county decides to opt out, Will County for instance decides to opt out of the RTA, and they then decide to impose the quarter percent sales tax for a county wide transit operation, and then indeed if they apply for a one-third subsidy and this Legislature then decides to appropriate that one-third subsidy which it may or may not do, and the ..currently I might point out to you that JMTD tells me, Joliet Mass

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Transit, they could operate with a quarter cent and provide adequate service within Will County. That may be a temporary situation. Three years down the line from now or four years down the line when their operating deficit becomes too great to handle, for the quarter percent and the one-third to handle if that should occur, does the State Mandate's Act apply to this since this is creating a new act and this Amendment addresses the tax, does the State Mandate's Act then apply causing us to, the Legislature, to pay the entire operating cost of the Will County Transit Authority? If it does I could well support the Amendment in the Bill."

Telcser: "Representative, it's our view that under the circumstances which you just outlined that the initiative is a sole optional initiative taken on the part of the county and would not be something mandated by the state and therefore would not be subject to the State Mandate's Act."

Davis: "Well, as I read the Amendment and of course the Bill I would respectfully disagree with that that indeed by creating the Collar County's Transit Act you have indeed imposed conditions upon the collar counties which could be interpreted as requirement of the State Mandate's Act. With that in mind, Representative Telcser, I respectfully disagree with the Amendment and with the intent and I'm more interested in the intent of the Amendment at this point so I want to make that perfectly clear. It is not your intention that the State Mandate's Act apply."

Telcser: "That's correct."

Davis: "Then it is my intention, and I should inform you to request a State Mandate's Act note on this Bill to that effect."

Speaker Ryan: "The Gentleman from Sangamon, Representative Kane, do you seek recognition?"

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Kane: "Would the Gentleman yield?"

Speaker Ryan: "Indicates he will."

Kane: "Is it your intent under this Amendment that nothing be taxed at the local level that is not only included under the State sales taxes?"

Telcser: "Yes, that is correct."

Kane: "On the use tax part of the Amendment that extends only to those items that are licensed by the state in some way that if implement...?"

Telcser: "Yes, that is also correct because that's the only way we could have a handle on it, so to speak, like car titles."

Kane: "So anything else that a resident of that...of the collar counties went outside the area to purchase, if it's an item that is not licensed by the state then the use tax for all practicable purposes is not going to apply?"

Telcser: "You're absolutely right."

Kane: "So, it would apply only to what? Automobiles and boats?"

Telcser: "Practical matter to title items."

Kane: "Which would be what? Automobiles and boats, a trailer?"

Telcser: "Essentially, an RV a car, a boat."

Kane: "I understood you to say earlier that for just a retail sale, that if I as a resident of Sangamon County purchase an item in DuPage that I do not have to pay the quarter cent sales tax, is that what you were saying?"

Telcser: "Well, I think your example may not be correct because you are talking about the collar, if I'm a resident of Cook and I buy in DuPage I'm still going to pay the quarter cent if DuPage is still in it."

Kane: "Okay."

Telcser: "If I'm a DuPage resident and I buy in Sangamon..."

Kane: "No, no, no, I..I had the impression that you had said earlier that the tax would not be imposed on an out of

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county resident even if the sale occurred in the county."

Telcser: "The tax would take place would occur at the point of sale if the sale takes place in one of the six counties the tax would be imposed."

Kane: "Regardless of the residence of the purchaser?"

Telcser: "Correct, right. If a Sangamon County resident went to DuPage and bought something, they would have to pay the tax."

Kane: "Okay."

Speaker Ryan: "The Lady from DuPage, Representative Karpiel."

Karpie: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Telcser: "Yeah, sure."

Karpie: "I just want to go back over a little bit of what Representative Daniels was asking. I'm reading from our staff analysis, now and it says that municipalities or transit districts which are in counties that have opted out of the TFA, counties and municipalities within these counties may both be participants of the program, now these are...this is listed under who may be participants in the program. Now, if municipalities are in a county that has opted out of the TFA, they may be a participant in the program, correct? Now, if they are a participant of the program why cannot they then impose the quarter cent tax?"

Telcser: "Pursuant to these Bills it's only a county tax. That's the way these Bills are drafted."

Karpie: "Well, I realize that but then they are a participant in the program then all they are allowed to do is to receive up to one-third of their cost from the state, what? Fund?"

Telcser: "Well, that's correct. They would have to fund their transportation by other methods."

Karpie: "Well, let's take the situation..."

Telcser: "Just because the...downstate districts do, if the same

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analogy was that the other downstate transportation districts who do not have the authority to impose a quarter cent, they've looked for federal funds, they'll get state funding, farebox, whatever local taxes they want to otherwise impose."

Karpiehl: "State funding? Where would they get that state funding?"

Telcser: "They would get it...they would get a grant from DOT it could be up to a third of their cost of operating expenses."

Karpiehl: "Alright, why is it then that so that for instance, the city of Elgin, which is in Kane County, Kane County is predominately rural. The city of Elgin, then, say maybe the only place in Kane County that would want to have a transit system, they would then just be able to receive a third of their operating cost?"

Telcser: "That is correct, Representative, but let me simply say if you want to let municipalities impose a tax, we can talk about it, I...no problem with it."

Karpiehl: "Well, okay but my next question then, I still don't understand why any of these other transit districts whether they'd be a county wide in a collar counties or in even the downstate, bystate any of the downstate systems. Why they are only allowed up to a third of their operating costs and the CTA can get anything that's appropriated by this General Assembly?"

Telcser: "Under the series of Bills you've introduced, Representative, I'd like to remind you first of all that it's an annual appropriation process which you and other Members of the Assembly would have access to. If you feel that the CTA gets to large of portion of their funds from the state in relationship to their entire operating budget so you would have that handled first of all. Secondly, the

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CTA does very well in terms of getting a large amount of dollars of federal funding in addition to what we get from the state so it's really a mix of subsidy which they get for operating, it's not all state. They get an awful lot of federal funds for those purposes."

Karpiel: "Do the downstate systems also get federal funds?"

Telcser: "Downstate transit districts also apply for and receive federal funds."

Karpiel: "But yet there's a third, there's a maximum of a third of operating costs placed on downstate systems, correct?"

Telcser: "That is correct."

Karpiel: "Would you be agreeable to an Amendment to a change in this Amendment to put a third..."

Telcser: "Representative, that would get your vote on these Bills..."

Karpiel: "...to put a third cap on the CTA, also?"

Telcser: "I'd consider that. I wouldn't make you a promise but I'd like to talk to you about it."

Karpiel: "Okay, thank you."

Speaker Ryan: "The Gentleman from Rock Island, Representative Darrow."

Darrow: "Thank you, Mr. Speaker will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Darrow: "Representative Telcser, I think you've given three answers to questions about real estate, and I think you were correct or your intention was in the right place when you discussed this with Representative Getty. When a person...at that time you said when a person sells a home with personal property, a refrigerator, things of that nature, there would be no tax because a person selling the residence is not engaged in the business of making sales. The owner of the home is not in business so therefore these items would not be taxed. That was your initial answer, we

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received two other answers to the questions, same question and those two answers do not follow. Now, which answer are we going with?"

Telcser: "The response to your inquiry, Representative. The answer which you just described that I gave is the one which holds because the legislation indicates that you have to be in the retail business in order to have a liability for the tax."

Darrow: "So, you would strike your other two answers? Thank you."

Speaker Ryan: "Is there any further discussion on Amendment #1 to House Bill 738? The Gentleman from Cook, Representative Telcser moves the adoption of Amendment #1 to House Bill 738, all in favor will signify by saying 'aye'. All opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Cullerton, amends House Bill 738 on page ten and line fifteen and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think most of us here remember eighteen months ago when the so-called Byrne-Thompson transportation package was enacted, that we added at that time a new sales tax of one cent in Cook County and one-quarter cent in the collar counties for the purpose of financing mass transit in that area. During the same Session, the 81st General Assembly we recognized the need to eliminate the statewide sales tax on food and medicine and indeed under Governor Thompson's approval, we removed two cents off the sales tax on food and medicine. Everyone realized at that time that the sales tax on food and medicine was considered to be the cruelest tax, the worst tax possible because it

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disproportionately effects the poor and elderly. Now, today we are coming here to vote on a new tax increase. Governor Thompson has proposed a new gross receipts tax on petroleum products that will generate in the new TFA region about 240 million dollars in new tax revenue. We, of course retain the sales tax that we put on a year and a half ago that will generate 300 million dollars for a total tax of 540 million dollars. Now, we have a chance today with three Amendments that I have proposed to remove the application of this sales tax on food and medicine, the reduction in revenue would be approximately 45 million dollars out of a total 540 million. Now, this Amendment does not affect the counties outside Cook and the collar counties because they don't pay this tax now. This specific Amendment to House Bill 738 only affects the collar counties. The projected income from the sales tax in the collar counties right now is 25 million dollars. The fiscal impact of this particular Amendment is only to reduce that total by 3.75 million, that's 3.75 million in reduced income out of a total that is collected in this area of 540 million. Now, keep in mind that we have already established the priority of eliminating the sales tax on food and medicine throughout the state. The Governor...under the Governor's direction we have enacted upon a plan of gradually phasing out that sales tax. There...it made no sense a year and a half ago to impose a new tax on food and medicine and it makes no sense to do that now. That is why I offer this Amendment, this particular Amendment affects everyone in the collar counties. This Amendment removes the application of the quarter cent sales tax from food and medicine in the collar counties. I'd be happy to answer any questions, I'd appreciate your support."

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Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Well, Mr. Speaker and Members of the House, the Gentleman from Cook offers what is a very appealing Amendment. Let me first of all say, that Amendment #2 deals with the collar counties and that if the collar counties wish to stay in the region, they could offer any exemptions which they see fit. When they and if they should decide to impose a quarter cent tax, however, there's another issue involved here, everyone in this chamber including the Gentleman who offers the motion wants to do something for mass transportation and I know that the Sponsor of the Amendment recognizes the critical importance and the dependence upon mass transportation that to people in Northern Illinois have. The leaders on the other side of the aisle particularly those from the city, support the tax the gross tax on oil products and in doing so they implicitly agree with the level of funding that is necessary to solve the mass transportation needs and the highway needs of Illinois citizens. We had a House Committee, Ewing Committee ascertain the facts regarding the financial crisis which imperils mass transportation particularly in our area. Knowing those facts, and accepting those facts we have to be responsible. The Gentleman is now offering appealing exemptions to the revenue sources that are to be used for the funding of mass transportation. No one really, that I'm aware of at this point, argues about the funding level, the number of dollars necessary. I think it's incumbent upon anyone who offers these exemptions to also offer a replacement of the revenue that would be lost by these exemptions. Assuming the Gentleman's figures are correct, and I have no doubt...no reason to doubt them, a loss of 3.75 million represents some 15 or 16% of all of the revenue generated

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by the quarter cent that would be imposed. Now, a few speakers on the prior Amendment were deeply concerned about the funding level should their counties come into the system and they were deeply concerned about where they would get the money in order to fund their transportation needs if their local units of government decided to participate in anyone of these programs. And now we come along with Amendment #2, which deprives those areas from those funds. Well, I say, Mr. Speaker and Members of the House, first of all those other counties can decide for themselves if they want to offer exemptions. I say secondly, that anyone who wants to offer an exemption to the revenue sources should be talking about replacing the loss revenue that everyone is...agrees is necessary to maintain some level of mass transportation services and highway funding. So, Mr. Speaker and Members of the House, it is for these reasons that I oppose Amendment #2 to House Bill 738. It simply does not do the job and let me remind you that the very people who we try to help with exemptions like this are the ones who depend most heavily on the services of the mass transportation."

Speaker Ryan: "The Lady from Kane, Representative Zwick."

Zwick: "Thank you, Mr. Speaker. I would just like to add my...my two cents to this. I think that I would like to praise Mr. Cullerton for his attempt to exempt the sales tax on food and medicine. I believe that this is the direction that the people of the State of Illinois have access to go in fact, implored us to go in the last election. I feel that the sales tax on food and medicine is an extremely cruel tax so what I would like to do is ask for support from both parties of this House for what I think is a badly needed and certainly deserved tax break for the over burdened taxpayer in the State of Illinois. Thank you."

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Speaker Ryan: "Is there any further discussion on Amendment #2 to House Bill 738? The Gentleman from Cook, Representative Cullerton to close."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to in closing respond to the points made by the Majority Leader. I certainly intend to be responsible in our actions here in enacting these new tax increases and as he knows in the past I've been very responsible with respect to the elimination of the sales tax and it's effect on our state economy. But we are adding a new tax of 240 million dollars and that was arrived at by adding a 5% gross receipts tax on petroleum products. Now, there is nothing sacred about that 5%. I would suggest that there are over 200 Amendments to these Bills. There are many other proposals for increasing revenue under these particular Bills. The level of funding needed is not known now, the estimates of income under these taxes are just that, estimates. But what we have to establish today is the priority of exemptions and the Governor and this 81st General Assembly made it clear, it's our intention to remove the sales tax from food and medicine, to gradually phase it out and today we should not enact a new tax without correcting the mistake we made eighteen months ago in having a new sales tax apply to food and medicine. Therefore, I believe that this is a very responsible exemption, I certainly can't in the same Amendment add a funding mechanism for its replacement, that will clearly be done in many of the other Amendments that have been offered. So, I would simply ask for your support on this Amendment."

Speaker Ryan: "The question is, 'Shall Amendment #2 to House Bill 738, pass?' Representative Vinson, did you seek recognition?"

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Vinson: "Explain my vote."

Speaker Ryan: "Well, go ahead, Representative."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think it's important to understand what's going on in this particular vote. What the Sponsor is trying to do in this particular....is trying to make it..."

Speaker Ryan: "Representative Vinson, would you hold your remarks, the Gentleman is exactly right, you're out of order and it's might fault and I'll let you explain your vote if we take a Roll Call. Question is, 'shall Amendment #2 to House Bill 738 be adopted?' All in favor will signify by saying 'aye', all opposed by saying 'no'. The question is on House Bill 738, Amendment #2 all in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this issue there's 109 voting 'aye', 33 voting 'no', and 2 voting 'present' and the Amendment is adopted. Further Amendments."

Clerk Leone: "Floor Amendment #3, Stuffle-McPike amends House Bill 738 on page two and so forth."

Speaker Ryan: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members. Amendment #3 incorporates in House Bill 738 the Collar County Transit Assistance Act. The same labor protections that now exist covering transit employees working in the collar counties and under the RTA Act. It would provide neither an increase nor a decrease in those labor protections but would instead reference the federal law which is now existent, 13C of the Urban Mass Transportation Act that covers these employees that has been left out of 738 and that's been deleted from 743. As well the Amendment provides definations to cover those situations where contracts are executed after the opt out provisions have

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been employed when you reference the two Bills. Basically, what we're doing is putting back coverage that now exists for employees of the transit operations regarding freedom of association, union membership, the right to arbitrate disputes, pension protection, seniority credits, sick leave, the basic fringe benefit provisions, the right to mediation and conciliation, fact finding and most importantly, restoring collective bargaining rights that we believe ought to exist. I would ask for a favorable Roll Call and be glad to answer any questions."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I rise to oppose Amendment #3, simply because it imposes upon the units of government that wish to participate in transportation programs, costs which could raise their funding level to a position higher than they wish to go. The point is, Mr. Speaker and Members of the House, that for the General Assembly to in effect be negotiating a labor contract for those local units of government simply is beyond the realm of where we ought to be. The Legislature's function is to set the general policy of transportation in these particular areas and the local counties ought to take part in their labor negotiations based upon their own particular point of view. This labor Amendment could very well impose upon those units of government costs that are far in excess of what those units of government wish to spend. And so, Mr. Speaker and Members of the House, it is for those reasons that I rise to oppose Amendment #3."

Speaker Ryan: "The Gentleman from Madison, Representative McPike. Go ahead, Representative."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it was really difficult to follow the Majority Leader's line of reasoning when he just spoke. What the

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General Assembly's duty is, is just what he said to set general policy and that's what Amendment #3 does. It does not impose any additional costs on any units of local government. It simply sets general policy. It does this. It gives employees freedom of association. It gives them the right to join or support a labor organization. It allows them to have collective bargaining rights. It provides for the employer to bargain collectively and to sign written agreements. It says that either of these two groups can take any dispute to binding arbitration. It gives the employees pension rights, it affected...it just gives employees basic rights that they are entitled to under the laws of the United States Department of Labor, under the Railroad Pasture Service Act and under the Urban Mass Transit Act. We're not imposing any costs and for the Majority Leader to imply that we are is ridiculous. We're simply saying that a general policy of the State of Illinois is that labor and management get along best when they meet across a table to bargain collectively for the rights of labor and the rights of management and we believe that the employees and which ever new system may exist should have the same rights and duties and the employers should have the same rights and obligations that exist now under present law. It does that and nothing more, and I would urge your to support this Amendment."

Speaker Ryan: "The Gentleman from Will, Representative Davis."

Davis: "Thank you, Mr. Speaker. Well, if the last speaker thought the Majority Leader's reasoning was a little murky, let you listen to my reasoning, Representative. If you like the arbitration procedures that brought you the CTA, RTA inefficiencies in their labor situation at this point and if you like the idea of a backdoor public collective bargaining provision where none may now exist in the collar

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counties then you should support this Bill. If you do not like what brought us to this point in mass transit through the excesses of the arbitration agreements in the CTA and if you do not like a backdoor public collective bargaining provision you should vote against this Amendment."

Speaker Ryan: "The Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Gentleman's Amendment and I would argue that we should distinguish between this Amendment and another effort which might attempt to remove from the proposed TFA its budget control powers as proposed in the Governor's Bill. This Amendment simply states that a contract negotiated between NORTRAN and an employee's union representing employees at NORTRAN cannot be subsequently voided by action of the TFA. If such a provision existed it would in effect act as a barrier to meaningful collective bargaining negotiations, it would be almost impossible to convince management and labor to sit down and negotiate between themselves if the statute provided that whatever was negotiated could be subsequently voided by still another agency."

Speaker Ryan: "Just a minute Representative. For what purpose does the Gentleman from DeWitt, Representative Vinson, arise?"

Vinson: "Again to urge you to have the Minority Leader confine his remarks to the Amendment. He's talking about NORTRAN which is part of Cook County not part of the collar counties and the Bill only applies to the collar counties, Mr. Speaker."

Speaker Ryan: "Point's well taken. Proceed, Representative Madigan."

Madigan: "Mr. Speaker, beginning from where I was and taking as an example, because of Mr. Vinson's suggestion, a transit

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carrier in the collar counties. My conceptual argument remains the same, you cannot ask management and labor to negotiate when they are told by statute that whatever they negotiate will be subsequently voided or possibly voided by still another agency of government. I stated at the beginning of my argument, this Amendment in no way attempts to remove the budgetary control powers given to the TFA under the Bill over the other transit carriers beneath their jurisdictional power. We are not saying that the TFA should not have the ability to state how much money will be available to a transit carrier such as the CTA and to on a quarterly basis redo the budget of the CTA. We are not disputing that point, we are simply going to the immediate question of what validity will there be to collective bargaining negotiations if the real decision maker is not involved in the negotiations. If you were representing a private concern and you were negotiating a contract with another private concerned you would probably consider your efforts to be futile if you were told you that had a third concern could veto the results of your collective bargaining negotiations and for those reasons I support the Amendment."

Speaker Ryan: "The Gentleman from Lake, Representative Barkhausen."

Barkhausen: "Will the Sponsor yield to a question?"

Speaker Ryan: "Indicates he will."

Barkhausen: "Representative Stuffle, are not the guarantees that you were seeking to provide in you proposed Amendment already guaranteed by the federal legislation which through this Amendment you seek to adopt by reference and which are also by reference incorporate into the present Regional Transit Authority Act?"

Stuffle: "Yes."

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Barkhausen: "Well, isn't your Amendment as in my opinion the present provisions of the RTA Act adopting these federal laws by reference, aren't they essentially redundant because in the sense that the carriers do now and will in the future continue to receive some form of federal aid be it operating subsidies or capital grants, aren't these labor protection provisions already...isn't the federal aid, I should say conditioned upon these federal labor protections?"

Stuffle: "There's two parts to the question, there may not be federal aid involved and I think the protection should still be enforced and everyone be treated the same way. As well this does more than merely reference it, it spells it out. I think it's important also, to point out that if you look at the whole package of Bills together, particularly this one and 743 and you look back at 743, you'll see there's a deletion of this particular type of rights by the references to Section 4-11 in that Bill. It's my intention and my effort to provide specifically that these protections which exist now will be afforded to all employees covered by any contract whether with or without the use of federal aid."

Barkhausen: "But isn't the deletion that you refer to as provided by Section 4-11, isn't that only in respect to provisions which may be negotiated which may be in excess of budgetary authorizations provided by this Assembly?"

Stuffle: "Well, I only mentioned 4-11 because it's somewhat akin to this, my answer to that would be I don't believe that's the case and I intend to get into that with regard to remarks of the Majority Leader concerning our imposing our will on the negotiation process. It seems to me, we're doing the opposite of that, it seems to me that the approach taken by the Majority Leader and the Sponsor's of

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this package is to impose their will on the negotiation process as to oppose leaving it open. We don't attempt in either this Amendment or the Amendment to 743 to do away with the ability under 4-11 to review the budgetary considerations. What we think is unfair to impose only upon the union labor individuals separate restrictions that would allow in the case of 743 the arbitrator to come in and play fiscal agent."

Barkhausen: "As I understand it then your primary concern in proposing this Amendment is to...is to further and promote a free collective bargaining is that correct?"

Stuffle: "My primary and only concern is to provide these employees and if it were true of any other agency which it could be with the same protections that exist now in the federal law and that exist in the RTA structure and the RTA statutes and that cover the people who are mass transit employees in those counties at this time. Nothing more and nothing less, this adds...or confers no new benefits and no new rights. It simply provides that we won't take them away."

Barkhausen: "Mr. Speaker, in addressing myself to the merits of this Amendment, it appears to me that we should be moving in the opposite direction that the Representative intends to move us...by the proposal of this Amendment #3. What we should be doing yes, is to provide in legislation that...that the employees ought to have the right to free collective bargaining and that ought to be binding on the managers of the carriers but in seeking to adopt by reference, federal law I think that the Amendment is redundant as the present provisions in the RTA Act are redundant. We live under federal mandates as it is, and I don't see why we should...we should add to what is already a considerable problem in trying to promote efficiency in

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our mass transit system by imposing by statute certain restrictions which...which will handicap the managers of carriers in providing the most efficient mass transit service possible. I urge my colleagues to oppose the adoption of Amendment #3."

Speaker Ryan: "The Lady from DuPage, Representative Karpiel."

Karpiel: "Thank you, Mr. Speaker. Does the Sponsor yield...for a question? Representative Stuffle, on page, I don't know what page it is, one, two, three, four of the Amendment, lines 13 through about 20, and starting on lines...well whenever a county or a local participant acquires a public transportation facilities of a transportation agency either in proceeding by eminent domain or otherwise, does that include contracting with?"

Stuffle: "I don't follow the reasoning of your question, would you run that by me one more time?"

Karpiel: "Alright, if for instance a collar county decides to run its own transportation system and contracts for services with the TFA, is that included in the the word, otherwise?"

Stuffle: "If they contract with them, I believe it would."

Karpiel: "Alright, or buys or purchases vehicles from them?"

Stuffle: "If they contract with them, I assume they would contract in either case."

Karpiel: "Alright, then it goes on to say, and operates such facilities all employees actively engaged in the operation thereof shall be transferred to and appointed as employees of the county or local participant, etcetera. Does that mean that if DuPage County or Kane County wants to run its own transportation system, contracts for vehicles with the TFA, that we have to take presently employed and employees of the TFA?"

Stuffle: "I don't think we're talking the same language, here. Are we talking about the situation where they rent their

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own buses, contract with or what? It seems to me, you're leading us in two directions."

Karpiel: "Yes, if we contract...if a local transit system contracts with the TFA for buses, for...to run their own transportation system, are we getting the employees along with it, under this language?"

Stuffle: "I believe that you may, yes."

Karpiel: "We may, so in other words, in DuPage County, Representative, if we want to run our own transportation system and we are going to be imposing our own quarter percent tax on our citizens getting only a maximum of a third of state subsidy for that service and we contract with the TFA for rolling stock or for buses or whatever, we also may have to take the employees of the CTA or the TFA that are presently employed by that agency their labor contracts, their labor costs, give them seniority over any of our own DuPage people that we may hire? Is that what you're saying, Representative?"

Stuffle: "You only left out one crucial consideration, the reference in here is to the rights of the employees under Section 16 through 19, if you look at Section 19, it provides where there is a need, economic need for displacement of workers, notice provisions so that those people could still be displaced pursuant to this. We're trying on one hand to protect the rights of those employees so there is not a wholesale displacement, but this Bill by its' reference as to Section...Amendment, Section 19, if you'll look at that, provides provisions for notice where there would be a need to displace workers and I assume as you're talking about possibly reduce part of your operations or the delivery of services."

Karpiel: "Do you happen to know, Representative, at the present time in the collar counties the people that drive the buses

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out there, do you happen to know if they are covered at present by the CTA contract?"

Stuffel: "They are covered by the protections, here. Is that what you're getting at?"

Karpel: "No, under the present contract."

Stuffel: "They are covered by..."

Karpel: "I can answer that for you, Representative. They are not."

Stuffel: "They are covered by the same protections that are in this Bill, throughout your questioning you've gone two or three different routes."

Karpel: "All, I'm saying, Representative, it seems to me by the language of this Amendment that if any suburban system contracts with the TFA for any buses or any type of vehicles that we may also have to take the employees that are also....that are now employed by the CTA. Is that right?"

Stuffel: "Was that a question?"

Karpel: "Yes."

Stuffel: "The answer is I've answered three times, is may, you keep leaving out the Section 19 language which clearly says that there would be notice, that there would be arbitration and that there would be an ability to reduce operations."

Karpel: "Just a comment, I am very much opposed to this Amendment and I would hope everybody else is."

Speaker Ryan: "The Lady from Cook, Representative Pullen."

Pullen: "I'd like to ask the Sponsor a couple of questions."

Speaker Ryan: "He indicates he'll yield."

Pullen: "In following up the previous speaker's questions and possibly you covered this, because someone was talking with me at...toward the end of her questioning. Where the Amendment is talking about transferring employees in the event that the county or local participant acquires the

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facilities of a transportation agency, does this mean that if those employees are not now in a union they would be automatically placed in the bargaining unit?"

Stuffle: "No. I read this through completely, Representative Pullen, and I don't see how that could be the case. We're not trying to confer a contract or a union representation on anyone who doesn't now have coverage. We're simply trying to provide that they have the same right to collective bargaining and protections that exist now."

Pullen: "I recall a lot of talk on your part and on the part of someone else on your side of the aisle, about employees rights and I wonder whether you could tell me whether this Amendment includes the right to refrain from association whether the union or collective bargaining unit?"

Stuffle: "The language of the Urban Mass Transportation Act, the language of the RTA Act, the language in this Amendment and in the subsequent Amendment that we will offer merely states that you have the right to membership in a union. The federal law does not have, as I understand it, any different language than this. If you're asking me if we're going to put a right to work clause in this, the answer is no."

Pullen: "So, this does not have a right to work provision in it."

Stuffle: "No, you know I wouldn't offer a right to work provision."

Pullen: "That's what I figured but I heard all this talk about employee's rights and I wanted to make sure you clarified that you're not really giving them rights. Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative Huskey."

Huskey: "Would you yield for a couple of questions, please?"

Speaker Ryan: "Indicates he will."

Huskey: "Do you feel maybe you're a little premature..aren't you negotiating a union contract that the union should do after

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the Bill is in order?"

Stuffule: "Absolutely not. It has nothing to do with that situation. It has only to do with protecting the right and the ability to bargain, in fact I think the opposite is true, Representative Huskey, we're not trying to impose a bargaining agreement, we're trying to provide that there can be one just as there is now under the same terms and conditions that exist now."

Huskey: "But you're trying to tie all the employees into any new transportation system that may exist, is that not right?"

Stuffule: "No, I answered that question three times if you'll read Section 19, the references there are to the protection of the employers where as the employee where there may be a wish to reduce services, as I read the existing law and as I read this Amendment."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson."

Vinson: "Will the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

Vinson: "Now, as I read page seven of your Amendment, Representative Stuffule, lines 19 through 21, whenever we have an intractable labor dispute, your Amendment would require arbitration. Is that correct?"

Stuffule: "Lines 19 through 21, Sam?"

Vinson: "Yes."

Stuffule: "19 through 21, refer to the situation which already exists covering these people where neither party requests fact finding, it does provide as you read on down that there would be arbitration of disputes."

Vinson: "So, in any intractable labor dispute we get to the point of compulsory arbitration, is that correct?"

Stuffule: "If there were a dispute over existing contract language or a dispute over a reduction in services pursuant to that, or would...I would assume where an option exists in the

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contract, that would be true."

Vinson: "So, ultimately the determination of how much tax has to be levied by the county is left to an arbitrator who makes that decision?"

Stuffle: "No, because all those situations wouldn't end up there, I'm sure. You also would have the consideration, I think if you didn't have this kind of protection in here assuming a contract, that if there weren't some sort of effort to do this with these employees you could well have a strike situation on your hands."

Vinson: "But you are saying that ultimately if the employees and if the local government in question cannot agree on a contract dispute, that then it has to go to arbitration and the arbitrator determines what happens?"

Stuffle: "Yes."

Vinson: "Don't you think that that deprives the people and the elected Representatives of the people, the right to determine what the cost of government is going to be?"

Stuffle: "I don't think it changes the situation from where it is now and I will submit that there's a difference of opinion that's obvious here as to whether or not the employees should have protections. If you take the one protection away it appears to me you'd have to take them all away. It's a matter of philosophy, I think, as to whether or not you continue the protections that exist now."

one protection away, it appears to me you'd have to take them all away. It's a matter of philosophy, I think as to whether or not you continue the protections that exist now."

Vinson: "Well, to the Amendment, Mr. Speaker."

Speaker Ryan: "Proceed."

Vinson: "I just make the point that not only does this deprive elected Representatives to county government of their right to make decisions about tax levels and rates of

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expenditure, but beyond that from my personal knowledge, I think it deprives working men and women of something they want very much, and that's the right to strike because when you...when you enact this kind of language what you're doing is you're depriving employees of their right to strike and that's particularly pertinent in this context because we're talking about transit employees and I don't know what kind of background Mr. Stuffle comes from but I come from a railroad labor family and the worst...the worst example of governmental intervention in the labor process has occurred when various presidents, I think President Kennedy was the last one in a use Taft-Hartley to prevent labor strikes by railroad employees. So, I would oppose this on behalf, I believe, of the men and women who work in organized labor and I would urge its defeat."

Speaker Ryan: "The Gentleman from Coles, Representative Stuffle to close."

Stuffle: "Thank you, Mr. Speaker and Members of the General Assembly. Since Representative Vinson chose to mention his family I would indicate to Representative Vinson that my father was a union president and a railroad engineer for 37 years and he supports this Amendment, I'm sure, as he supports all Amendments that would protect the rights of individuals to protections in the area of collective bargaining and freedom of association. If Representative Pullen wants to put in a right to work Amendment, fine. If Representative Vinson wants to put a right to strike Amendment and vote for it, I would be very surprised, I simply submit to you that there is a difference of agreement here. The philosophy of those who would protect everyone and the philosophy of those who would do away with collective bargaining. I ask for your vote for this Amendment and the spirit and the belief that we have not

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taken away the protections of budget analysis or the consideration in review of budgets but instead we have provided for protections for individuals now employed and subsequently employed without, by way of Section 19, impairing fully the right to reduce operations. I would ask for a favorable Roll Call."

Speaker Ryan: "The question is, 'shall Amendment #3 to House Bill 738 be adopted', all in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? The Gentleman from DuPage, Representative Hudson to explain his vote."

Hudson: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It seems to me in listening to the previous dialogues that took place that what we're really doing here is not so much protecting the rights of the individual workers, we are protecting the rights of the labor unions to impose their will upon this newly created agency. We are protecting the rights of the labor unions to sit down and enter into negotiations with the employee or the employer which happens to be financed by the taxpayers of the State of Illinois to enter into any agreements that they see fit to enter into including those to force workers who might not otherwise want to belong to members of the unions, to enter into closed shop agreements or whatever and finance the whole package through the taxpayers of the State of Illinois. This is the right that we are assuring and we are protecting and with this I will say goes out of the window any control, any handle that the taxpayers of the State of Illinois might have over this package of Bills. It seems to me that this is the crux of the whole thing. Is this TFA to have anything to say or the taxpayers to have anything to say or is it strictly going to be a matter of what the labor union negotiators

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decide is to their best interest? This I think is the essence of it. It's a bad proposal. It removes forever, I think any possibility of control, fiscal control that the state might otherwise have. I think it's...I think it's dangerous. I think it's bad and will lead to absolute labor and labor union control, I think of the TFA and this whole package of Bills and the provisions there under. That's the reason for my 'no' vote."

Speaker Ryan: "The Gentleman from Wayne, Representative Robbins to explain his vote."

Robbins: "Mr. Speaker and Ladies and Gentlemen of the House, with this Amendment to this Bill, it puts the Bill in the shape that there can be no renegotiation. Nothing can really be done to curb or control the excesses that we already have with this union. It seems very unfair to me to tax a widow woman's heating oil so that we can pay a transportation worker in excess of 30 thousand dollars a year for his job and guarantee him an automatic 10 to 20% increase every year. The General Assembly will be having to find all sorts of new taxes if we go ahead and vote for this Bill, now I kind of feel sorry for some of the people that...who are going to have to pay this tax that we are considering but I can't feel sorry for a man that drives a bus that has regular hours and that makes a good bit more than a State Representative."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 88 voting 'yes', 79 voting 'no' and none voting 'present'. And the Amendment is adopted. It's the intent of the Chair to work until about 1:30 or 2:00, adjourn for Committee hearings this afternoon and return to the Chamber at 7:00 and work on into the evening. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Greiman, amends House Bill 738

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on page one and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is perhaps not the most critical of all Amendments and is one of technical form really. On line 26 of the...of the Bill there is a reference to an area being longer than..than other areas, and longer is a relative term, a term of comparison and there is no comparative items, so therefore, I have added population centers then in Cook County which would give you a sense of relativity and a touch stone as to comparative...it's comparative and it grammatically is correct and it is corrective in form."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, we've talked with Representative Grieman regarding this Amendment. It's a good one and I support it."

Speaker Ryan: "Do you care to close, Representative Greiman?"

Greiman: "Well, I thought we could discuss it on the floor in more detail, but I know, that's all right."

Speaker Ryan: "The question is, 'shall Amendment #4 to House Bill 738 be adopted?' All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Greiman amends House Bill 738 on page three and so forth."

Greiman: "Well, this is a continuing technique to show my constituents that I read the Bills. On this Amendment it merely grammatically corrects the language on page three and removes the word 'of' and 'the' so that it is appropriately grammatical and I'm not a peerist but we should give some thought to correct grammar and form in the drafting of legislation."

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Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, I support this Amendment, also."

Speaker Ryan: "Representative Greiman, do you care to close?"

Greiman: "Thank you."

Speaker Ryan: "The Gentleman...the question is, 'shall Amendment #5 to House Bill 738 be adopted?' All in favor will signify by saying 'aye', all opposed 'no', the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Bowman, amends House Bill 738 on page three and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Bowman, on Amendment #6."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Amendment is simply a clarifying Amendment. I believe it simply reflects the intent of the author of the Bill. The Bill refers to standard accounting practices, however, there is no such thing. The term of 'Art'...the proper term of 'Art' is generally accepted accounting practices and my Amendment makes the correction, changes standard to generally accepted accounting practices. I hope the Sponsor of the Bill accepts the Amendment."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser on Amendment #6."

Telcser: "We support this Amendment, also."

Bowman: "Thank you."

Speaker Ryan: "The question is, 'shall Amendment #6 to House Bill 738 be adopted?' All in favor will signify by saying 'aye', opposed 'no', the 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "That concludes the Amendments that we have on 738 at this time. The Bill will remain on Second Reading. House Bill 739, the Gentleman from Cook, Representative

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Telcser."

Clerk Leone: "House Bill 739, a Bill for an Act to amend the Transportation Bond Act, Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Giorgi, amends House Bill 739 on page one, line two and so forth."

Speaker Ryan: "The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Mr. Speaker, this is the Amendment that we discussed with Secretary Kramer, Friday in the Committee of the Whole. This is the Amendment that sets aside the money that the Governor's promise for four FAP4-12, which extends from the Northern part of the State to Decatur. And what this Amendment does is it keeps the Governor on top of the Amendment, I mean in terms of a Committee and Kramer, the Secretary of the Committee which includes the Chairman of ten county Board that are affected by the FAP4-12 and the members of the Committee are also ten members of the county seats and all they do is have veto power over the Governor in that he can't take the money out of FAP4-12 and use it somewhere else unless the Mayors and the County Board Chairman agree with them. I think it's a very good Amendment. We discussed it with Kramer, he seemed to be looking for a vehicle such as this, so that the Governor can keep his integrity and I urge your support."

Speaker Ryan: "Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, my understanding is that Route 51 is already in the DOT's plans for highway construction and maintenance. Therefore, I oppose Amendment #1 to House Bill 739 but additionally those decisions ought to be made by the Department of Transportation, as to where the priorities will be, what

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roads will be built, what bridges will be repaired, and just how the monies which are appropriated to DOT ought to be spent. It is...it is really not going to be productive for the Legislature to try and mandate the agency as to what to build and what not to build. I again remind you that this project is already in the plans as submitted by DOT and I therefore rise to oppose Amendment #1."

Speaker Ryan: "Further discussion? The Lady from Cook, Representative Pullen."

Pullen: "I'd like to ask the Sponsor some questions, please?"

Speaker Ryan: "Indicates he'll yield."

Pullen: "Did you say that this Amendment creates a Board of 20 members to oversee construction work on U.S. 51?"

Giorgi: "No, just to, it's an Advisory Board over the funds that are supposed to be set aside for FAP4-12 in another words, if the Governor, who's Chairman of this Committee and Kramer who is Secretary wants to dip into these funds and use it somewhere else, he should explain that to the counties affected on that North-South highway and he should explain it to the Mayor's of the county seats in that corridor."

Pullen: "Sir, I have the Amendment before me and I read line 17 through 19 to say exactly what I just asked you whether it says, 'There is created a Board consisting of 20 members to oversee the construction work along U.S. Route 51 as follows:' Isn't that what is created by this, since that's what it says?"

Giorgi: "That's what the language says."

Pullen: "Yeah...that's what the language says, thank you. Do you provide for compensation of the Board members in any way?"

Giorgi: "No, ma'm."

Pullen: "Good. I see also on the second page of this Amendment on lines 13 through 15 that the Board shall approve or

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disapprove the expenditure of the 400 million dollars of bonds authorized to be sold for highway purposes by this Amendatory Act."

Giorgi: "The reason that language is necessary is because the bonds are going to be sold at a clip of 110 million dollars a year. But according to Kramer's figures 200 million is going to be needed for the North-South Road and because the 400 million is going to be sold over a period of four years and the money is going to be set aside for the North-South highway, that's why we had to put in there the entire amount."

Pullen: "Well, you're creating a board to oversee the construction work of 51...of U.S. 51 and then you give it the authority to approve or disapprove the expenditure of the whole bond issue which I think is rather strange. Could you tell me, do you contemplate that this board would meet in the new State of Illinois Building in Rockford?"

Giorgi: "The State of Illinois Building, the Governor in his wisdom wants to spend 100 million dollars on the State of Illinois Building in Chicago and I think in that solar palace is where the meetings might take place."

Pullen: "So, it wouldn't be meeting in the State of Illinois Building in Rockford?"

Giorgi: "No, that's a few years down the road."

Pullen: "Thank you."

Speaker Ryan: "The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Mr. Speaker, I rise in support of this...this Amendment, you know for so many years, of course, we know that funds had been seemingly appropriated and earmarked for various projects and I see exactly nothing wrong with this Amendment which will create a situation whereby, the Governor shall still be in control as a matter of fact, and

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the Secretary of the Department of Transportation shall have his input but it creates a situation whereby the people of that region are protected of course, and it provides some local input as to exactly where these funds are going to be spent. I think it's a very good Amendment, I think that it's long over due and I think it's an excellent way of reassuring that once again this particular project is underway."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson."

Vinson: "Would the Gentleman yield for a question, Mr. Speaker?"

Speaker Ryan: "Indicates he will."

Vinson: "How much revenue, Representative Giorgi, would you guess has been raised as a result of various statutes that you've supported since you've become a Legislator, the Lottery and so forth?"

Giorgi: "Thank you for bringing that up. On the one part of your question, the Conservative Union keeps a record of how I vote for expenditures but the Lottery at the last tally has grossed 750 million dollars, much to the chagrin of you soothsayers."

Vinson: "750 from the Lottery?"

Giorgi: "Yes, gross, yes."

Vinson: "On..that's about three times as much as Kramer estimates is necessary for building 51?"

Giorgi: "Very will put. Yes."

Vinson: "How come you haven't offered an Amendment to the Lottery Act to designate the money for 51?"

Giorgi: "I'm saving highline dog...if this fails, I'm saving Highline Dog racing as that vehicle."

Vinson: "On the Amendment, on page two, Representative, on...on line 6?"

Giorgi: "Yes."

Vinson: "You designate the members of this agency to serve for an

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indefinate length of time."

Giorgi: "Yes."

Vinson: "And there is no reappointment process designated in the Act."

Giorgi: "Well, we...well you see Sam, in as much as you bring it up, I hated to bring this up but when Telcser, Representative Telcser and Blair were passing original bond issue and they were Governor Ogilvie's foremen. They needed Representative's Simm's vote and Representative North (sic) and Giorgi's vote to pass the original bond issue. That's eleven years ago and Telcser and Blair promised us the North-South highway would be built, so in as much as we can trust no matter who the Governor is we just use the word Governor and Secretary of Transportation. That's the reason for that, it's all well planned out."

Vinson: "Well, my question is...you're not going at the question, Mr. Giorgi. There's indefinite length of time that these Members are appointed for and there's no reappointment process, is that correct?"

Giorgi: "They will be done when the money's spent."

Vinson: "Yeah, but there's no reappointment process, is there?"

Giorgi: "Well, I think that those remain..."

Vinson: "Are you trying to mandate immortality for the Members of this Board?"

Giorgi: "If you all believe in the hereafter, yes."

Vinson: "Another question. Is there any...is there any prohibition, Representative Giorgi, is there any prohibition on these...the members of this board being contractors who could profit from the construction of the road?"

Giorgi: "Well, we have got a...we've got a conflict of interest statutes that many people ignore and..."

Vinson: "But those apply to specific statutes, they don't apply

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to this Board."

Giorgi: "I think there's ample statutes on the books, I think Representative Friedrich presented a statute in the last Session of the General Assembly that anyone that had over 7% in any road building equipment couldn't be a Member of this Committee."

Vinson: "Well, I don't believe that applied to this Board."

Giorgi: "Well, are you saying here today that you wouldn't defend any of them if they were charged with this infraction?"

Vinson: "I beg your pardon? What was your question?"

Giorgi: "Are you saying here today that you wouldn't defend any of the Members of this Board if they were charged with infraction, in another words you...you're saying he's involved with you know..."

Vinson: "No, I'm saying I wouldn't defend them, I'm saying that think the Legislators ought to be engaged in other contracts with or against the state and I'm saying what you've created here is boondoggle, Mr. Giorgi, a boondoggle, that may even turn into the ultimate in dishonesty and I would urge you to withdraw the Amendment just because of those flaws in it."

Giorgi: "Oh my goodness."

Speaker Ryan: "The Gentleman from Macon, Representative Dunn."

Dunn Jack: "Thank you, Mr. Speaker, I move the previous question."

Speaker Ryan: "Well, that won't be necessary, the Gentleman from Winnebago, Representative Giorgi to close."

Giorgi: "Mr. Speaker, I said earlier that when this...the original bond issue was passed in November of '70 and really Representative Telcszer and Representative Blair presented Governor Ogilvie's Transportation Package, the North-South highway was promised. All I'm trying to say here is that I think that the Secretary indicated the plan

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to put the money in a special fund for the North-South highway and I think that rather than having the Legislators carry the brunt of the public opinion when the money is drained out of those funds and then the highway isn't built, I think the Governor owes it to the counties affected and the Mayors of these cities to tell them that there is a higher priority somewhere else rather than just let him spend it willy-nilly, and I urge the support of this General Assembly on this Amendment."

Speaker Ryan: "The question is, 'shall Amendment #1 to House Bill 739 be adopted?' All in favor will signify by saying 'aye', all opposed 'no'. All those in favor will signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. The gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, this is an awful close vote, do you want me to...I'll verify this."

Speaker Ryan: "Gentleman requests a verification. The Members will be there seats, the Gentleman from Winnebago, Mr. Giorgi requests a Poll of the Absentees. The Gentleman from Macon, Mr. Dunn, for what purpose do you arise?"

Dunn Jack: "Mr. Speaker, I'd ask leave to be verified, please?"

Speaker Ryan: "Does the Gentleman have leave to be verified? Hearing no objections, leave is granted. The Gentleman from Macon, Representative Donovan, for what purpose do you arise?"

Donovan: "Yes, Mr. Speaker, may I ask you leave to be verified, positive, yes?"

Speaker Ryan: "The Gentleman asks for leave to be verified, is leave granted? Representative Donovan has asked leave to be verified. Representative Dunn has asked leave and it was granted. Leave is granted, Representative. Read the

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Absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Alstat. Bluthardt. Bradley. Capparelli. Christensen. Deuster. Jack Dunn. Epton. Ewell. Flinn. Kane. Katz."

Speaker Ryan: "Just a minute, Mr. Clerk. The Gentleman from Sangamon, Mr. Kane."

Kane: "Aye."

Speaker Ryan: "Record Mr. Kane as 'aye'."

Clerk Leone: "Continuing with the Poll of the Absentees. Dick Kelly. Kociolko."

Speaker Ryan: "Record Kelly as 'aye'."

Clerk Leone: "Kustra. Continuing with the Poll of the Absentees. McGrew."

Speaker Ryan: "Kustra, 'no'."

Clerk Leone: "Oblinger. O'Brien. O'Connell. Pechous. Peters."

Speaker Ryan: "Peters, 'no'."

Clerk Leone: "Redmond. Richmond."

Speaker Ryan: "Richmond 'no'. The Gentleman from Cook, Mr. Telcser."

Telcser: "Mr. Speaker, in interest of time, I withdraw my verification."

Speaker Ryan: "Gentleman withdraws his verification. On this question there's 76 voting 'aye', 72 voting 'no' and none voting 'present'. The Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #2, McClain-Dunn-Rea-Mautino, amends House Bill 738, page four and so forth."

Speaker Ryan: "Representative McClain your Amendment has just been filed recently, it's not printed and distributed? We'll have to take this out of the record for now. Representative Telcser, you want to move on to House Bill 740? Representative Telcser on House Bill 740."

Clerk Leone: "House Bill 740, a Bill for an Act to amend the

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Regional Transportation Authority Act, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Cullerton amends House Bill 740 on page three and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is the second Amendment in the series of three that we have already discussed, that removes the application of the sales tax in the TFA region from food and medicine. This particular Amendment refers to suburban Cook County and this Amendment has the effect of removing the application of the sales tax, the one cent sales tax in fiscal year '82, and it will go down to a half of cent in fiscal year '83. This removes the application of that tax on food and medicine, the...all those who voted for the Amendment that affected the collar counties, I believe the vote was 109 to 33. I would ask for the same people who supported me to support me on this Amendment as well."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, the discussion we had earlier regarding the quarter cent tax in the collar counties, it applies the same to this Bill. I know that the Gentleman from Cook who is my colleague from my district wants to be responsible and I believe him when he...as he said in the earlier debate that it is his intent to find a method whereby we could replace any lost revenues that would impact upon this legislation. The Roll Call on the prior Bill indicated the overwhelming desire of the Assembly to offer this type of relief in this legislation and I assume at the same time to go along with the Gentleman's concerns about replacing that lost revenue and

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so, Mr. Speaker and Members of the House, I'll therefore accept the Amendment which the Gentleman offers to House Bill 740 and I look forward to working with him in an effort to find that lost revenue."

Cullerton: "Thank you very much."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton to close."

Cullerton: "Ask for a favorable vote."

Speaker Ryan: "The Gentleman asks for the adoption of Amendment #1 to House Bill 740, all in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Currie-Keane, amends House Bill 740 on page one, line one and so forth."

Speaker Ryan: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker. I'd like to withdraw Amendment #2 to House Bill 740."

Speaker Ryan: "Amendment #2 is withdrawn. Mr. Clerk, are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Alright, House Bill 740 remain on Second Reading, House Bill 741, Representative Telcser."

Clerk Leone: "House Bill 741, a Bill for an Act to amend the Petroleum Products Revenue Tax Act, Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Representative Telcser."

Telcser: "Mr. Speaker, 741 has been read a second time, I'd like to put off offering any Amendments to 741 until a later date."

Speaker Ryan: "741, out of the record. House Bill 742, Representative Telcser. Read the Bill."

Clerk Leone: "House Bill 742, a Bill for an Act to amend the Downstate Public Transportation Act, Second Reading of the

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Bill, no Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Ryan-Telcser, amends House Bill 742 as amended."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Amendment #1, Mr. Speaker and Members of the House, are technical changes to correct errors and omissions that were left out by the Reference Bureau."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #1 to House Bill 742, all in favor will signify by saying 'aye', opposed 'no', the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "That Bill will remain on Second Reading. House Bill 743, Representative Telcser."

Clerk Leone: "House Bill 743, a Bill for an Act to reconstitute the Regional Transportation Authority, Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Ryan-Telcser, amends House Bill 743 and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, Amendment #1 adds some additional language to clarify what was already in the Bill. It adds language that indicates that the Secretary of Transportation will submit revenue estimates to the TFA for the forthcoming fiscal year and for the two following fiscal years by August of 1981 and by April 1st of each year thereafter. It also estimates for available revenues in the Illinois Transit Fund will also include the times at which the set amounts would be available. I now offer to move the adoption of Amendment #1."

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Speaker Ryan: "Is there any discussion on the Gentleman's Amendment? The Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Will the Sponsor yield to a question?"

Speaker Ryan: "He indicates he will."

Lechowicz: "I believe the Amendment is technically incorrect. The new language is not underlined. Do you want to amend it on its face?"

Telcser: "Yes, thank you very much, Representative."

Speaker Ryan: "The Gentleman asked leave to amend Amendment #1 on its face, are there any objections? Hearing none, leave is granted. The Lady from Cook, Representative Pullen."

Pullen: "I'd like to ask a couple questions."

Speaker Ryan: "The Gentleman indicates he'll yield."

Pullen: "Is this a new Act that is being amended by this Amendment, Sir?"

Telcser: "Yes, it is, Representative."

Pullen: "Then maybe that's why the language was not underlined in the Amendment. There is a section of the Amendment that you did not address in your presentation, and I wonder since I don't have the Bill right in front of me whether you would explain what you are doing by inserting language, other than transportation agencies providing public transportation by commuter rail?"

Telcser: "Restate the question, please, Representative?"

Pullen: "If you look on the first paragraph of your Amendment, which is not numbered but if you look on the first paragraph of it, it says that you are inserting language, 'other than transportation agencies providing public transportation by commuter rail.' I don't have my Bill handy to show me what that is referring to and I wonder whether you would tell me what is being done by adding that language?"

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Telcser: "What this language...the purpose of this language is to enable the TFA to continue to subpoena records for the commuter portion of these services that run through collar counties if those collar counties opt out of the system."

Pullen: "By saying, other than commuter rail? If you have the Bill in front of you, could you possibly read me the sentence with that language in it, that that language is being inserted into?"

Telcser: "Representative, you want me to read the entire section?"

Pullen: "No, I'd like you to read the sentence that you're inserting it into including that language."

Telcser: "It starts off, 'Provided however, that this provision does not apply to transportation agencies other than transportation agencies providing public transportation by commuter rail etcetera, etcetera."

Pullen: "Thank you."

Speaker Ryan: "Any further discussion? The Gentleman from Cook, Representative Getty."

Getty: "In order to clear up the record in response to Representative Pullen's question, I believe Mr. Telcser said that this was a new Act. I don't believe that it is a new Act. It amends quite a few different sections of prior Acts and that's why there is a requirement in this particular Bill that Amendment #1 be underlined in order to be in proper form. You agree, Mr. Telcser?"

Telcser: "Yes, I agree with you, Representative."

Getty: "Thank you."

Speaker Ryan: "Is there any further discussion on Amendment #1 to House Bill 743? The question is, 'shall Amendment #1 to House Bill 743 be adopted?' All in favor will signify by saying 'aye', those opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

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Clerk Leone: "Floor Amendment #2, Ryan-Telcser, amends House Bill 743 on page 81 and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, Amendment #2 takes just about all the money from the Urban Transportation District and transfers it to the...to the Transportation Funding Authority. We leave a balance of about 100 thousand dollars in the existing Urban Transportation Fund, so it can still conduct business and stay alive as a functioning agency. We transfer the rest of the money however, as I indicated a couple of moments ago."

Speaker Ryan: "Is there any discussion to Amendment #2? The Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Mr. Speaker and Ladies and Gentlemen of the House, I believe that the Urban Transit Fund was created by referendum was in a certain area in the city of Chicago, a number of years back. That money has been paid by the respective real estate property owners within that area. Also federal funds have been applied, have been applied for and granted for the rebuilding of the Loop L structure within that area. Also they're suppose to put in a interconnecting subway system between the Loop and the near North Shore area. I personally believe that this Amendment is out of order, I would ask that the Parliamentarian make a ruling whether the Amendment, that it can be adopted on the floor can eliminate an area that has been approved by referendum within the city of Chicago a number of years back. Money that has been applied for to the Federal Government and granted to for a specific purpose and now the General Assembly is asking that these federal funds be transferred to this agency for a purpose that originally not been designated and granted for. I ask for a ruling from

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the chair."

Speaker Ryan: "Have one in a minute for you, Representative Rule that the Amendment be in order, Representative Lechowicz. We feel that the General Assembly has the power to do that. We are going to rule this Amendment in order."

Lechowicz: "Thank you, Mr. Speaker. Then very briefly I'll speak against the Amendment, on the subject matter that I addressed myself to, that this district was created by the taxpayers within a given area in the city of Chicago for a specific purpose. The purpose maybe has not moved as quickly as many of us would like to see the problem addressed to. Unfortunately, I believe the removal of the 12 million dollars will not seriously help this new agency but will seriously hinder the federal funds that were already granted for a specific purpose. And for that reason, Mr. Speaker, I would strongly recommend a 'no' vote on Amendment #2."

Speaker Ryan: "Is there any further discussion? The gentleman from Cook, Representative Telcser to close on Amendment #2. Well, just a minute, Representative, excuse me. The Gentleman from Cook, Representative Levin, did you want to speak on this Amendment."

Levin: "Yes, as one of the Sponsors of House Bill 376 which would address I think in a more meaningful way the problem of the Transit Finance Authority. I think that what is being proposed here is unfair to the property owners in the effected area. By referendum they created a this authority. They have paid taxes into it for a particular purpose and you know, if we start taking money away from one jurisdiction and giving it to a totally different jurisdiction for totally different purposes, I think that sets a very bad precedent. You know, next week we can turn around and do the same thing with another jurisdiction and

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money that's come from property owners for a particular purpose. You know we can decide that we've got a better idea on how their money should be spent and I think that we've got to stop this before it gets started and as a result I would urge a 'no' vote on this Amendment."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Telcser, to close."

Telcser: "Well, Mr. Speaker and Members of the House, I'm somewhat amused by the previous speaker's argument, the last speaker's argument against Amendment #2 to House Bill 743. I know how often I've stood shoulder to shoulder with the Gentleman in an effort to divert various funds from various accounts and have them used for another purpose and yet the Gentleman who is the colleague, my other colleague from my district stands and makes an argument against, in a sense diversion and I hope that after today's debate, he'll rejoin with me in the future in an effort from time to time to divert funds from one account to another, so to speak, when the needs of the people are greater than perhaps the purpose for which those accounts were created. Additionally, Mr. Speaker and Members of the House, the same Gentleman talked about the needs of the people in that particular mass transportation district. Well, that district geographically is very close to where we are and the Gentleman knows that the purpose of that district is for mass transportation and to make the argument that we are willy-nilly asking to take money from one fund to another simply carries with it, little if any logic. The entire purpose of this program is to improve mass transportation and in my personal view and in relationship to my own district to improve transportation in the city of Chicago, so that the city can maintain itself as a viable entity and commerce and industry and people can move about and we can

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maintain a very healthy economic climate. And so, Mr. Speaker and Members of the House, let me simply say that occasionally there is nothing wrong with taking money from one area and placing it somewhere else. Particularly when it is for the exact same purpose, the people in that district were taxed for transportation purposes. That's what we're doing here and it is for those reasons Mr. Speaker, that I rise in support of Amendment #2."

Speaker Ryan: "For what purpose does the Gentleman from Cook, Representative Lechowicz, arise?"

Lechowicz: "Just for a point of clarification, Mr. Speaker."

Speaker Ryan: "Proceed."

Lechowicz: "The Gentleman...Mr. Telcser knows quite well that last year there was an agreement supposedly that the crosstown money would be used for additional purposes between...that were designated by the Department of Transportation and the Governor. Unfortunately, federal funds cannot be transferred they have to be..."

Speaker Ryan: "Just a minute, Representative can you hold on for a minute? Representative Collins, for what purpose do you rise?"

Collins: "Well, I object, Mr Speaker, the Gentleman has already spoken in debate."

Speaker Ryan: "Well, you're absolutely right, Representative Collins, this happened to me the reverse here a little bit ago, it's my fault. The Gentleman has closed, Representative Lechowicz, if you had some questions maybe you could talk to the Representative personally. Representative Lechowicz."

Lechowicz: "I'll explain my vote. Well, I think what you should do if you know that you can appropriate federal funds by the General Assembly, everybody should be well aware of that. We lost 200 million dollars last year, I don't want

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to lose another additional penny."

Speaker Ryan: "The Gentleman from Cook, Representative Madigan for what purpose do you arise?"

Madigan: "Question of the Sponsor?"

Speaker Ryan: "Well, Representative you're a little late, the Gentleman's closed on the Amendment. Maybe you could ask in the explanation of vote."

Madigan: "Okay...thank you."

Speaker Ryan: "The question is, 'shall Amendment #2 to House Bill 743 be adopted?' All in favor will signify by saying 'aye', all opposed 'no'. The question is, 'shall Amendment #2 to House Bill 743 be adopted?' All in favor will signify by voting 'aye', those opposed by voting 'no'. Representative Madigan, to explain his vote."

Madigan: "Mr. Speaker to explain my 'no' vote. As I understand the Gentleman's proposal it would take money which is raised in a very small location and rather sizeable numbers at which had been collected and raised for the purpose of immediate transportation improvements and then provide for the dispersing of that money throughout the entire six county region. And to my mind, this concept runs completely contrary to the operating concepts we've adopted in the past which have stated that money raised at a local should be spent in that local and for that reason the Amendment should be defeated."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 78 voting 'aye', 83 voting 'no', 1 voting 'present'. The Gentleman from Cook, Representative Telcser."

Telcser: "I'd like to verify the Roll Call."

Speaker Ryan: "The Gentleman's asked for a verification of the Roll Call, the negative Roll Call. Will you poll the absentees, Mr. Clerk? Representative Madigan, do you seek

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recognition?"

Madigan: "Simply to request a Poll of the Absentees."

Speaker Ryan: "The Gentleman requests a Poll of the Absentees.

Read the list, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Bluthardt. Bradley.
Capparelli. Christensen. Deuster. Jack Dunn. Epton.
Grossi. Klemm."

Speaker Ryan: "Representative Klemm? The Gentleman votes 'aye'.

The Gentleman from Cook, Representative Grossi, for what reason do you seek recognition?"

Grossi: "Mr. Speaker, I wish to vote 'aye'."

Speaker Ryan: "Record the Gentleman as 'aye'. Proceed with the Poll of the Absentees."

Clerk Leone: "Oblinger. Satterthwaite. Irv Smith. Stearney.
Steczo, and Wikoff."

Speaker Ryan: "Will you poll the negative, Mr. Clerk, the negative votes? Will the count...give me a count, Mr. Clerk. 80 'aye', 83 'no'. Read the negative. Representative Steczo, for what purpose do you arise?"

Steczo: "Mr. Speaker, may I be recorded as 'no' please?"

Speaker Ryan: "Record the Gentleman as 'no'. The Gentleman from Red Oak, Representative Rigney. Record Rigney as 'aye', change his vote from 'no' to 'aye'."

Clerk Leone: "Poll of the negative. Alexander. Balanoff.
Beatty. Braun. Breslin. Brummer. Bullock. Carey.
Catania. Chapman. Cullerton. Currie. Darrow. DiPrima.
Domico. Donovan. Doyle. John Dunn. Ewell. Farley."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "The people whose name's are being called please raise your hands or stand up."

Speaker Ryan: "Proceed, Mr. Clerk."

Clerk Leone: "Flinn. Garmisa. Getty. Giglio. Giorgi.
Greiman. Hanahan. Hannig. Henry. Huff. Jaffe. Jones.

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Kane. Katz. Keane. Kelly. Kornowicz. Kosinski. Krska.
Kulas. Laurino. Lechowicz. Leon. Leverenz. Levin.
Madigan. Matijevich. Mautino. McClain. McGrew. McPike.
Ted Meyer. Mulcahey. Murphy. O'Brien. O'Connell.
Ozella."

Speaker Ryan: "Just a minute, Mr. Clerk, Representative O'Connell, for what purpose do you rise?"

O'Connell: "Mr. Speaker, may I explain my vote?"

Speaker Ryan: "Proceed."

O'Connell: "Mr. Speaker, in explaining my vote, it's my understanding that this...what this Amendment will do is to divert funds that were derived from a special assessment. This special assessment was levied on businesses in the Loop area, specifically the State Street area, Greater Michigan Avenue and the Near North Side. It's my feeling, Mr. Speaker, that this creates a very dangerous precedent where funds that were levied specifically for a purpose of removing the Franklin Street Subway or Overpass is creating a very dangerous precedent and I think it is a very detrimental to the businesses that form the basis and the nucleus of the Loop and for that reason I vote 'no'."

Speaker Ryan: "Proceed, Mr. Clerk."

Clerk Leone: "Pechous. Pierce. Pouncey. Preston. Rea. Redmond. Rhem. Richmond. Ronan. Saltsman. Schneider. Schraeder. Slape. Margaret Smith. Steczo. Stewart. Stuffle. Terzich. Turner. Van Duyne. Vitek. White. Sam Wolf. Younge. Yourell. And Zito."

Speaker Ryan: "The Gentleman from Sangamon, Representative Smith, for what purpose do you arise?"

Smith: "Mr. Speaker, I'd like to be recorded as a 'yes' vote."

Speaker Ryan: "Record the Gentleman as 'yes'. Are there any other changes? The count now is 82 voting 'aye', 83 voting 'no'. The Representative from Cook, Representative

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Garmisa, for what purpose do you arise?"

Garmisa: "Can I be verified now, Mr. Speaker?"

Speaker Ryan: "Fine. Representative Telcser, do you have questions of the Negative Roll Call. The vote is 82 'aye', 83 'no'."

Telcser: "Representative Balanoff on the floor? Yes, I see her because she just came in. Representative Jaffe?"

Speaker Ryan: "Representative Jaffe on the floor? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call. Jaffe."

Telcser: "Representative Laurino."

Speaker Ryan: "Representative Laurino is in his seat."

Telcser: "Representative Schneider?"

Speaker Ryan: "Representative Schneider on the floor? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Murphy?"

Speaker Ryan: "Representative Murphy on the floor? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Terzich."

Speaker Ryan: "Representative Terzich is right here."

Telcser: "Representative Yourell?"

Speaker Ryan: "Representative Yourell on the floor? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Hanahan?"

Speaker Ryan: "Is Representative Hanahan in the chamber? How's the Gentleman recorded?"

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Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Younge."

Speaker Ryan: "Is Representative Younge on the floor? Where?

The Lady's in her seat."

Telcser: "Representative Flinn?"

Speaker Ryan: "Is Representative Flinn on the floor?

Representative Flinn? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Jones?"

Speaker Ryan: "Right here in front."

Telcser: "Representative Kane?"

Speaker Ryan: "Representative Kane on the floor? In the back of the chamber."

Telcser: "Representative Leverenz?"

Speaker Ryan: "Representative Leverenz on the floor?

Representative Leverenz? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative McClain?"

Speaker Ryan: "In his chair."

Telcser: "Representative Mautino?"

Speaker Ryan: "At his desk."

Telcser: "Representative...Representative Van Duyne?"

Speaker Ryan: "Representative Van Duyne on the floor? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Farley?"

Speaker Ryan: "In his...is Representative Farley in his chair?

Almost Ronan. Is Representative Farley in the chamber?

How's the Gentleman recorded?"

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Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Keane?"

Speaker Ryan: "Representative Keane is in his chair."

Telcser: "Representative Ozella?"

Speaker Ryan: "Representative Ozella is at her chair...his chair."

Telcser: "Representative Breslin on the floor? Here she is, okay. Representative Capparelli?"

Speaker Ryan: "Representative Capparelli on the floor? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman is not recorded as voting."

Speaker Ryan: "Do you have any further questions, Representative Telcser?"

Telcser: "That's it, Mr. Speaker."

Speaker Ryan: "What's the count, Mr. Clerk? 82 voting 'aye', and 74 voting 'no'. For what purpose does the Gentleman from McLean, Representative Bradley, arise?"

Bradley: "Well, I wanted to be recorded as voting 'no' on that, Mr. Speaker."

Speaker Ryan: "Record the Gentleman as 'no'. Put Representative Yourell back on the Roll Call. Put Representative Hanahan back on the Roll Call. The Lady from Champaign, Representative Satterthwaite?"

Satterthwaite: "No."

Speaker Ryan: "Record the Lady as 'no'. Representative Leverenz has returned to the chamber, put him back on the Roll Call. What's the count Mr. Clerk? There are 82 voting 'aye', 79 voting 'no'. Mr. Madigan. Return Mr. Schneider to the Roll Call."

Madigan: "Mr. Speaker, if appropriate I will request a verification of the 'aye' vote."

Speaker Ryan: "The count again, Mr. Clerk. On this issue there

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are 82 voting 'aye', 80 voting 'no'. The Gentleman from Cook, Representative Madigan, has requested a verification of the positive."

Madigan: "Mr. Speaker, is Representative Breslin recorded? Breslin, is Breslin recorded?"

Speaker Ryan: "Recorded as voting 'no'."

Madigan: "Has Schneider been restored to the Roll Call?"

Speaker Ryan: "Did you wish to question the Affirmative Roll Call, Mr. Madigan?"

Madigan: "Yes, I did and I asked some questions of the Clerk."

Speaker Ryan: "Will you read the Roll, Mr. Clerk please, the Affirmative Roll Call?"

Madigan: "Would you recognize Mr. Bowman?"

Speaker Ryan: "Mr. Bowman, for what purpose do you rise?"

Bowman: "To climb on board the train, Representative, no I...my feeling is this really doesn't go far enough and we ought to use the taxing authority of that district. I vote 'no'."

Speaker Ryan: "Record the Gentleman as 'no'. Proceed with the Roll Call."

Clerk Leone: "Poll of the Affirmative. Abramson. Ackerman. Alstat. Barkhausen. Barnes. Bartulis. Bell. Bianco. Birkinbine. Boucek. Bower. Collins. Conti. Daniels. Davis. Deuchler. Ralph Dunn. Ebbesen. Ewing. Fawell. Findley. Virginia Frederick. Dwight Friedrich. Griffin. Grossi. Hallock. Hallstrom. Hastert. Hoffman. Hoxsey. Hudson. Huskey. Jackson. Johnson. Karpiel. Jim Kelley. Klemm. Kociolko. Koehler. Kucharski. Kustra. Leinenweber. MacDonald. Margulas. Martire. Mays. McAuliffe. McBroom. McCormick. McCourt. McMaster. Roland Meyer. Miller. Neff. Nelson. Peters. Peil. Polk. Pullen. Reed. Reilly. Rigney. Robbins. Ropp. Sandquist. Schuneman. Irv Smith. Stanley. E.G. Steele.

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C.M. Stiehl. Swanstrom. Tate. Telcsen. Topinka.
Tuerk. Vinson. Watson. Winchester. J.J. Wolf.
Woodyard. Zwick and Mr. Speaker."

Speaker Ryan: "What's the count, Mr. Clerk? Representative Jaffe, do you seek recognition?"

Jaffe: "How am I recorded as voting, Mr. Speaker?"

Speaker Ryan: "How's the Gentleman recorded?"

Clerk Leone: "The Gentleman has been removed from the Roll Call."

Jaffe: "Will you vote me 'no', please?"

Clerk Leone: "Record the Gentleman as 'no'. Do you have questions of the Affirmative Roll Call, Mr. Madigan?"

Madigan: "Mr. Speaker, what's the count?"

Speaker Ryan: "It's a dead heat, Representative. It's 82-82."

Madigan: "We have no questions at this time."

Speaker Ryan: "The Gentleman from Cook, Representative Epton. Record Representative Epton 'aye'. On this issue there are 83 voting 'aye', 82 voting 'no' and the Gentleman's Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Cullerton, amends House Bill 743 on page 42 and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton. Mr. Madigan, do you seek recognition, do you seek recogniton?"

Madigan: "You have no right to abuse the chair of this House. You are elected by the Full Body to conduct this deliberation in a fair and orderly fashion. You started on the very first day of the Session, abusing the prerogatives of the chair and your conduct will lead us right toward chaos. We are entitled under the rules as I said, we had no questions at that time and if you think that it's not obvious that you plan to use that chair right through to the end of this Session, then you're kidding yourself and you'll rule the day because you carry responsibility for

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fairness and orderliness in this House. And you've abused that responsibility, your conduct is a disgrace."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton on Amendment #3 to House Bill 743. Representative O'Brien, for what purpose do you seek recognition?"

O'Brien: "Mr. Speaker, on a point of personal privilege. My light was on through all of that debate and not once did I get recognized and I wanted to be recognized for that...for purpose of discussion on my vote, my negative vote on that and I would just like to say, Mr. Speaker, that Representative O'Connell has indicated that we here have just passed an Amendment which sets a very dangerous precedent. In my district where the Chicago Urban Transportation Authority exists, we created and we have 18 million dollars that..."

Speaker Ryan: "Just a minute, Representative. For what purpose does the Gentleman from Champaign, Representative Johnson arise?"

Johnson: "Point of order, I, Mr. Speaker. Point of personal privilege is tend to be...tend to be abused and this certainly abuses, this is simply a continuation of the debate on an Amendment that has already been closed. So, I would make the point of order that Representative O'Brien is out of order."

Speaker Ryan: "Gentleman's point is well taken. Representative Cullerton, on Amendment #3 to House Bill 743. Representative O'Brien, for what purpose do you seek recognition?"

O'Brien: "My...Mr. Johnson just mentioned my name in debate and I would just like to indicate that I am an elected official representing a district and when legislation effects my constituents who have been taxed 20 million dollars for the Chicago Urban Transportation District I think that the

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chair ought to at least give me the opportunity to talk when my light is on. Thank you."

Speaker Ryan: "The Gentleman from Lake, Representative Matijevich, for what purpose do you arise?"

Matijevich: "Point of order, Mr. Speaker. You are proceeding on another Amendment and I feel that the Chair is out of order by proceeding to that Amendment, because for two reasons, one, the Majority Leader had every right to ask for a verification. Two, there were Members seeking recognition. Mr. Speaker, you recognize one on your side of the aisle to add his vote, there were Members on this side of the aisle. You as a chair don't know what they were seeking recognition for. Even if Representative Madigan did..."

Speaker Ryan: "What's your point, Mr. Matijevich?"

Matijevich: "My point is that we cannot proceed to the next order of Amendments because you have ruled arbitrarily that the last Amendment was adopted when it didn't...it wasn't adopted. And I think you are out of order in that process, and I think that every Member ought to understand this. This is not just a Democratic point that I'm bringing, I raise this issue right now, this House belongs to every Member..."

Speaker Ryan: "Will you state your point, you rose on a point of order, Representative, will you state your point, please?"

Matijevich: "I raised my point already, and you might as well rule on it. I want you to rule the way I know you're going to because I'm going to make that point at other times during this Session."

Speaker Ryan: "What is your point, Representative? Will you state your point, please?"

Matijevich: "Well, I've raised it, I've raised it..."

Speaker Ryan: "Will you raise it again, Representative?"

Matijevich: "I've raised it that you cannot proceed to the next

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Amendment when you have ruled that the last Amendment carried when it did not carry. We were in the process of a verification and not only that, you did not recognize Members for the purpose..."

Speaker Ryan: "Will you state your point, Representative?"

Matijevich: "I'm stating it. Dammit. Let me state it, you asked me to state it. You want to out stare me I'll out stare you...you do it all the time."

Speaker Ryan: "Proceed with your point, Mr. Matijevich."

Matijevich: "I ask...all I'm asking for is fairness, that's all, and I said that Members were seeking recognition, you didn't give that recognition."

Speaker Ryan: "The Gentleman from Cook, Representative Collins, for what purpose do you arise?"

Collins: "Well, Mr. Speaker, it's obvious that this is not a point of order and as far as someone seeking recognition the Gentleman who claimed his light was on, somebody must have turned it on for him because he was over here lobbying against the Amendment."

Speaker Ryan: "Your point is well taken, Representative Collins. The Gentleman from Cook, Representative Ewell for what purpose do you seek recognition?"

Ewell: "Mr. Speaker, I think that you ought to realize that the House is fairly closely divided and in the interest of time and fairness I think you at least ought to allow the Minority Party to have its say. For you to do this will just send the Bill over to the Senate where the Democrats are in the Majority and we will end up with nothing but chaos. I think we need to sit down and reason together for otherwise we're going to do nothing but spin our wheels and do nothing but defeat the ends of legislation in the best interest of the people of the State of Illinois. So, I would suggest that perhaps maybe we ought to go to lunch

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and the Leadership ought to converse about these things, then we could proceed in a nice, orderly fashion, this evening."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton on Amendment #3. Representative Madigan, for what purpose do you arise?"

Madigan: "I want to read to you from the Rule Book, if it means anything to you."

Speaker Ryan: "Well, please read will you, Representative."

Madigan: "This book right here. It's on page 27, under the Section, Verification in the second paragraph where it states, 'the prevailing vote shall be verified by the same procedure and the votes on the losing side shall not be verified unless the verification of the prevailing votes on the question is disclosed that further verification is necessary to determine the result.' At the time that there was a tie vote, a verification requested by me would have been out of order under these rules and then after you arbitrarily added Mr. Epton, my request was back in order and should have been recognized and let me point out to you something, Mr. Speaker. You plan to move this House along through its conduct of business and you're planning a vacation next week, if you don't allow the Members their rights under the rules then we will just simply delay the work of this House to the point where you are forced to give us our rights under the rules and there will be no vacation next week, Mr. Speaker."

Speaker Ryan: "Representative Madigan, I asked if you had a verification, you said no, there was a change in the vote and I think that the rules were followed and with that we're going to move on with the order of the business of the House, Representative Cullerton on Amendment #3 to House Bill 743. Representative Cullerton. Read the

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Amendment. The Lady from Cook, Representative Braun, for what purpose do you arise?"

Braun: "Mr. Speaker, I hate to raise the same subject but the fact is, we are operating without rules for this General Assembly. We are still operating under a carry-over from the last General Assembly and it seems to me, Sir, that in light of the fact that we don't have rules for this General Assembly, it is totally..."

Speaker Ryan: "But Representative...let me interrupt for a minute, if I may. We have adopted the rules from the last Session and we are operating under rules of the last Session and those were adopted by this Body."

Braun: "They are temporary rules, Mr. Speaker, and I would point out that under the circumstances to fast gavel...to run over the rights of the other Members, particularly when Members have their lights on, we're requesting an opportunity to speak, particularly when another Member was called...was put on the Roll Call without giving Representative Madigan an opportunity to continue his request for verification, seems to me, Mr. Speaker, only to set up this Legislative Body for future conflict, not just on this matter. We've got several Amendments, 50 Amendments on this Bill, on the other Bills in this package and if we're to go through this process each time, Mr. Speaker, I submit to you that the whole process will bog down. I would sorely urge you to reconsider your ruling, Mr. Speaker, and allow Representative Madigan an opportunity to complete the verification which was so abruptly cut off."

Speaker Ryan: "The Gentleman from Cook, Representative Wolf."

Wolf J.J.: "Thank you, Mr. Speaker. Mr. Speaker, I understand you already made your ruling. I would suggest that we either get on with business of the House or if the Minority

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does not agree, there is mechanism for which they can appeal the ruling of the chair."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton on Amendment #3 to House Bill 743."

Cullerton: "Mr. Speaker, I would like to appeal the ruling of the chair as Representative Wolf had just recommended on your ruling that we should proceed with Amendment #3 when we have not finished with Amendment #2."

Speaker Ryan: "What are you appealing, Representative?"

Cullerton: "Representative Wolf just made a good suggestion, our remedy if we don't to proceed with Amendment #3, is to appeal the ruling of the chair, that we should proceed with Amendment #3, and I so move to appeal the ruling of the chair that we should proceed with Amendment #3 when we haven't finished with Amendment #2."

Speaker Ryan: "Representative, I'm not sure your Motion is in order. Amendment #2 has been adopted. Amendment #3 has not been called, now you want to move...you want to appeal the ruling of the chair whether I call Amendment #3 or not?"

Cullerton: "No, Representative Wolf, who you just recognized, indicated on the record as we as the Minority Party have a method...a mechanism by which we can appeal the ruling of the chair. What you're doing now is going to an Amendment #3, that order of business and all I'm suggesting is that we should be back on Amendment #2 with a verification of the Roll Call. So, you've ruled that we should go to Amendment #3, I'm just simply appealing that ruling."

Speaker Ryan: "You are appealing the ruling that we go to #3?"

Cullerton: "Right, I'm suggesting that we should go back to #2 and finish the verification of the Roll Call as Representative Wolf had just suggested. Perhaps Representative Wolf can clarify it."

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Speaker Ryan: "Representative Peters for what purpose do you arise?"

Peters: "Mr. Speaker, I would just suggest that if the Gentleman is not ready to go #3 we just skip it and go to #4, or 9 or 50."

Speaker Ryan: "Representative Cullerton."

Cullerton: "I'm appealing the ruling that Amendment #2 was adopted. You ruled that Amendment #2 was adopted, that's what I'm appealing. If Representative Wolf could help me out here, it was his suggestion initially."

Speaker Ryan: "The Gentleman's Motion is, 'shall the chair be sustained in the adoption of the Amendment #2 to House Bill 743?'"

Cullerton: "I'm appealing that ruling."

Speaker Ryan: "You've heard the question. All in favor will signify by..."

Cullerton: "I ask for a Roll Call, please?"

Speaker Ryan: "...voting 'aye', those opposed by voting 'no'. The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, could you restate...is the...could you restate the Motion? A Motion to overrule the chair, I believe is that right?"

Speaker Ryan: "Yes, the Motion is, 'shall the chair be sustained in the Amendment...in the adoption of Amendment #2?' Is that right, Representative Cullerton? Dump the Roll Call. Representative Cullerton, you want to restate your Motion?"

Cullerton: "I thought I did fine the first time. It had overwhelming support, I don't know why you dumped the Roll. I'll even do it in your voice."

Speaker Ryan: "Oh, please don't."

Cullerton: "Should the chair be..."

Speaker Ryan: "You want to restate your Motion, now that you've got it right from your assistant parliamentarian, there?"

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Cullerton: "I'm appealing the ruling of the chair, that Amendment #2 was adopted. You state the Motion, Mr. Speaker, I'm not the person to state the Motion."

Speaker Ryan: "It's your Motion."

Cullerton: "You state the question, I state the..."

Speaker Ryan: "The question is, 'shall the chair be overruled on the adoption of Amendment #2?' All in favor vote 'aye', all opposed vote 'no'. Have all voted who wish? The Gentleman from Cook, Representative Huskey to explain his vote."

Huskey: "How many votes, Mr. Speaker, does this take to overrule the chair?"

Speaker Ryan: "It takes 89 votes, Representative. The Gentleman from Cook, Representative Madigan to explain his vote."

Madigan: "Not at this time, Mr. Speaker."

Speaker Ryan: "Representative Madigan. The Gentleman from Champaign, Representative Johnson."

Johnson: "Well, first, Mr. Speaker, to request a verification if this should by any chance reach 89. And speaking to the issue, I think that Representative O'Connell said in a different context what we're involved with here and that is the making of precedent. A lot of people went to the polls on November 4th, and for whatever their reasons, we have a majority on this side of the aisle and a duly elected Speaker and this Speaker has complied with every rule, parliamentary procedure and Robert's Rule of Order in conducting this House in the first three months of business of this House and if we set the precedent now, taking an issue that one happens to disagree with and using it as a basis for overruling the chair, it's a very, very dangerous precedent with respect to the orderly conduct of a Democratic society and a conduct of the order of business of this House. And so, whether you're Democratic or

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Republican and however you feel about this particular issue or the Amendments, I would urge you to look very carefully at a 'yes' vote and see what a bad precedent this would be to overrule the Speaker of this House, the duly elected Speaker of this House, who's complying in every regard with the rules of this House and parliamentary procedure."

Speaker Ryan: "The Gentleman from Cook, Representative Epton."

Epton: "Mr. Speaker and Ladies and Gentlemen of the House, I think you should all be aware of the fact that I earlier ask the Speaker to be recognized to be indicated as voting 'aye'. I was not aware of the vote either way so I won't you to know that what transpired was not by prearrangement, I'm sorry for the confusion that existed but my vote, I was absent when the tally was recorded. And I earlier had asked to be indicated as yes. So, I hope none of you will think that either the Speaker or I had any prearrangement."

Speaker Ryan: "The Gentleman from Cook, Representative Jones."

Jones: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. To explain my vote, my vote is actually against the actions of the Speaker in the chair at this particular point in time. We want to run an orderly House and take care of the business for the people of the State of Illinois. And those individuals who are ignorant of history are destined to repeat it. As you recall, you know what the previous Speaker a few years ago, Speaker Blair did the same type of thing and he didn't return to this august chamber, Mr. Speaker. So, my vote is actually against the actions of the Speaker here. We want to take care of the business of the State of Illinois in the proper manner, where when all individuals who are elected to this Body will have an opportunity to be heard on this very critical issue, Mr. Speaker. So, I would suggest that you rule in a fair manner like each and every

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individual...individual have an opportunity to have their voice heard, to have their Amendments presented and not be arbitrarily ruled in favor of one side of the House, Mr. Speaker. So, this is the reason why I'm voting to override the chair."

Speaker Ryan: "The Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'd like to briefly explain my 'aye' vote. Not once since I've joined this Body have I voted to overrule the chair. Certainly I would not have preferred, Mr. Speaker, can you control the troops on that side of that aisle."

Speaker Ryan: "Absolutely, this chamber will come to order and the Members will be in their seats."

Bullock: "Never once would I have imagined that this early in the Session that I would have to vote against my good friend, Speaker Ryan. But I think Representative Madigan put it very well, when he said that you have disgraced the chair. I think you've gone beyond that, Mr. Speaker. I think it's contemptable that you would willingly and knowingly misguide and mislead the Republican Members on that side of the aisle, so many of whom I know are strict constructionist and law abiding citizens and rapping themselves in the American flag and all of that sort of stuff, that you would continue to deceive them and mislead them to thinking that your actions are right when in your heart, you know your actions are wrong. I think you owe all of us an apology for your actions and I certainly think that if you'd like for us to follow you that you will exhibit better leadership in the future."

Speaker Ryan: "The Gentleman from DeWitt, for what purpose do you arise? Representative Vinson."

Vinson: "Well, there's a one minute regulation on the explanation of votes and the Gentleman has certainly consumed more than

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that amount of time. So, I'd urge you to turn his microphone off."

Speaker Ryan: "The Gentleman...the Lady from Cook, Representative Stewart."

Stewart: "Thank you, Mr. Speaker. My appeal is to those Members on the other side of the aisle. This is indeed an issue that...yes, it sets precedent but in a democracy we have the overruling precedent that we don't have...we don't allow nor do we condone tyranny. I would suggest that the actions of the chair have been tyrannical in nature. I think that it's dangerous when we don't protect our own voices on this floor and I would urge for the...my friends on the opposite side of the aisle to reconsider their 'yes' votes. Their 'no' votes."

Speaker Ryan: "Have all voted who wish? The Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The substance of Amendment #2 really is beside the point, regardless of what the Amendment was, the real issue is whether a person, any Member of this Chamber has an unambiguous right to verify a Roll Call and it was quite clear that the Representative from Cook withdrew his verification request on the presumption that the Roll was indeed closed. I think to take advantage of any Representative in a similar posture whether it's the Minority Leader or any Member of this Chamber. It sets an incredibly bad precedent. Every Member of this Chamber at one time or another in the next two years will want a verification of a Roll Call on a Bill or an Amendment of theirs and I think that the simplest thing to do, Mr. Speaker, is simply to go back and have a new Roll Call on Amendment #2. It would solve this problem."

Speaker Ryan: "The Gentleman from Marion, Representative

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Friedrich for what purpose do you rise?"

Friedrich: "Mr. Speaker, I think we've had enough explanation of why they think they voted the way they did. Can we get on with the business of the House?"

Speaker Ryan: "Your point is well taken, Mr. Friedrich. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this issue there are 85 voting 'yes' and 85 voting 'no'. The Gentleman from Cook, Representative Cullerton, for what purpose do you arise?"

Cullerton: "Mr. Speaker, I would just like a Poll of the Absentees, if you could please?"

Speaker Ryan: "Poll the Absentees, please."

Clerk Leone: "Poll of the Absentees. Capparelli. Catania. Jack Dunn. Epton. Oblinger. And Stearney."

Speaker Ryan: "The Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker, I know of two people on this side of the aisle who are seeking your recognition to explain your vote and once again we get back to the question of fairness and whether they will be allowed to explain their vote, Representative Braun and Matijevich, both are seeking recognition."

Speaker Ryan: "Thank you, Mr. Telcser (sic)."

Madigan: "My name is Madigan."

Speaker Ryan: "The Gentleman from Cook, Representative O'Brien."

O'Brien: "Well, Mr. Speaker, I just hope that this is the last time that I am called upon to vote to appeal the chair."

Speaker Ryan: "Thank you, Mr. O'Brien. The Gentleman from Madison, Representative McPike to explain his vote."

McPike: "Well, thank you Mr. Speaker. This is the first time in five years that I've seen where a Member does not have the right to explain his vote. Often times debate is cut off and we recognize the debate can go on and on and until this Body is paralyzed by we have never cut off

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Members right to explain their vote. I wanted to start off by saying three cheers for Bernie Epton because he got up and made it clear to everyone on this side of the aisle that he had nothing to do with what happened and in all honesty I don't think there's anybody on this side of the aisle that once thought he had anything to do with what happened. Now for the Freshman Members of this Body, many times this year you'll hear Representative Epton...."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser, not finished...go ahead, Representative. Proceed, Representative."

McPike: "Many times this year the Freshmen will see Representative Epton get up and say, 'I have a conflict of interest but will vote my conscience,' but Mr. Speaker, you are going to have to live with your conscience this year. Now, for four years Speaker Redmond ran this Body in a fair manner and he allowed...he allowed verification of the votes. He allowed people to get on after the verification. He allowed people to explain their votes. Now, if you're not going to abide by those rules, you are going to end up in a chaotic year and accomplish nothing."

Speaker Ryan: "The Gentleman from Will, Representative Davis for what purpose do you rise?"

Davis: "Well, Mr. Speaker when the Representative gets going he sounds a lot like Jimmy Stewart. We've all heard it, Cullerton can do it better. Let's get on to other business. He's had his pound of flesh and the Roll Call is what it is. Let's move on, Mr. Speaker."

Speaker Ryan: "The Gentleman from Champaign, Representative Johnson for what purpose do you rise?"

Johnson: "Mr. Speaker, on a point of personal privilege. I listened to Representative Madigan rant and rave for the last 20 minutes, and I think those of us who've been here

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over one term can remember in late 1978 on the Education Bill on July 1st of that year when Representative Madigan was in the chair, and when there's a good many people including Representative Kane who are asking for recognition, and were asking for a verification, and all we got from the pious hypocrite on the other side of the aisle was a total shut off of the microphone, a shut down of the House and a denial of the individual rights of every Member of this House. You haven't done that, Mr. Speaker, but if you had, you'd certainly have a good example to follow in our pious hypocrite on the other side of the aisle who doesn't even know what parliamentary procedure is."

Speaker Ryan: "The Lady from Cook, Representative Braun, for what purpose do you arise?"

Braun: "Mr. Speaker, I'm actually astounded by Representative..."

Speaker Ryan: "What purpose do you arise, Representative?"

Braun: "I rise, Mr. Speaker, to explain my vote. No, I didn't."

Speaker Ryan: "Did you speak in debate, Representative?"

Braun: "Not on this vote, I believe, Mr. Speaker. I'm not certain, though."

Speaker Ryan: "Proceed."

Braun: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, again particularly to the Freshman Members. This is not a matter of partisanship, nor in my opinion is it a matter of respecting the authority of the chair. It seems to me, Ladies and Gentlemen of the House, that the issue here is whether or not any individual Member has a right to be recognized in debate on an essential question effecting themselves and their constituencies. The fast gavel that we saw on this Motion originally, in my opinion, cut off the individual Members right to vote and right to be heard with regard to their vote. The unfortunate thing that we've seen, Mr. Speaker, is that

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with regard to the Majority side of the aisle, we've seen people being intimidated and asked to hold to a party line instead of respecting themselves as indivi...as duly elected Representatives of their constituents. Mr. Speaker, I think that's inappropriate, I would strongly urge, Mr. Speaker and Members of this House, I would urge the Members of this House to reconsider to consider the propriety of your vote and whether or not you are respecting your own interest and the interest of your constituents because this will not be the first, I'm certain of votes of this type, and we all know the day when our own interests are intimately involved and we want to be heard with regard to a matter affecting our constituencies. Mr. Speaker, Members particularly, I would strongly urge you to vote for yourself, to vote green on this Motion.

Thank you very much."

Speaker Ryan: "The Gentleman from Cook, Representative Conti."

Conti: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I was going to just sit back and enjoy this but I just can't help for the benefit for the new Members, all this rhetoric that you've been hearing and the crocodile tears that you've been seeing. I played an awful lot of football in my day and I never walked away from any line regardless of how big or how small it was. In due respect to the former Speaker, the former Speaker was very conspicuously absent to...when the Minority Leader took that seat up where you're sitting now and when he wasn't there that little, tiny fellow in front of him took the place. When I got up to protect one of their Members one night, I had to back down from big, bull, giant tiger in Mr. Pouncey. Now, for the benefit of the new Members in here, who are they trying to impress? I've seen some fast gavels. Mr. Speaker, I move that we move on with the next order of business."

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Speaker Ryan: "The Gentleman from Cook, Representative Vitek for what purpose do you seek recognition?"

Vitek: "Point of personal privilege."

Speaker Ryan: "Just a minute, the House will be in order. Everybody will get their turn, we'll be here until 4:00 but everybody will get their turn if you'll just relax. Representative Vitek, for what purpose do you rise?"

Vitek: "Point of personal privilege, Mr. Speaker."

Speaker Ryan: "Proceed."

Vitek: "Mr. Speaker, I, like Elmer Conti am enjoying this but one point under our rules, I think we've established, never attack another Member by calling him a hypocrite or any other adjective. I oppose that. No, I said another Member on your side...called on our..."

Speaker Ryan: "Your point is well taken, Representative. The Gentleman from Cook, Representative Pouncey on the point of personal privilege, I believe."

Pouncey: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think this is the first time I've ever risen in this House in seven years on a point of personal privilege. Representative Conti is talking about a man, who is now in the Senate, he don't have anything to do with the action today. But I just happened to be standing by the door when he come in that evening, I was not trying to interfere with the operation of the House and I think the Republican Party is just trying to find an excuse to stall on us this afternoon. So, as a Member of the Independent Party, I hope we move on with the business."

Speaker Ryan: "The Gentleman from Cook, Representative Henry, seeks recognition for what purpose?"

Henry: "Mr. Speaker, I rise on a point of personal privilege, being one..."

Speaker Ryan: "State your point, would you, Representative?"

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Henry: "Being one of the new Members, Mr. Speaker, I have never attacked any person, lady or man in this House nor will I ever attack the chair but there are some problems we are having here in personalities and I think the personalities, Mr. Chairman(sic), if you pay just a minute of attention. I think the personalities, Mr. Chair, is being unfair to everybody in this House. Not only on the floor but in the galleries where we see unfairness being paraded. We seeing unfairness throughout the United States. We see unfairness with hand guns and now we see unfairness with the words from the mouth of a person who's suppose to be fair to all the people in the House and Mr. Chair, I would hope that you will set down and pull the ballot out of the back so you'll learn how to be fair. Thank you."

Speaker Ryan: "The Chairman from Wayne...the Gentleman from Wayne, Representative Robbins."

Robbins: "As a former Freshman sitting over on this far side of the aisle, many times last year my light was not visible. Many times last year I was not recognized in debate. Many times I was not recognized to explain my vote but not once did I rise on a point of personal privilege. That's just part of what goes with it. Let's enjoy ourselves, let's enjoy the debate and get down to business."

Speaker Ryan: "The Gentleman from Cook, Representative Greiman for what purpose do you seek recognition?"

Greiman: "To explain my vote, Mr. Speaker..."

Speaker Ryan: "Proceed, Representative."

Greiman: "Mr. Speaker, George, if I may..."

Speaker Ryan: "Certainly."

Greiman: "I don't agree with all of these things that are being said about you, I don't at all. I think that you're a man of good instinct and a fine person but one of the marks of bigness Mr. Speaker, is the ability to admit to error.

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When you made your ruling, I will tell you this early, I thought that was a correct ruling that perhaps Mr. Madigan had waived his rights by sitting down so quickly but then I read Rule 48D, and found that, excuse me, indeed you were in error. That's not so terrible to be in error but...48B, I'm sorry, but clearly you were. Sir, admit it, you're a nice man, you should admit error as we all must at times, and George, we'll all love you and we'll think highly of you, even if you admit error in this case."

Speaker Ryan: "The Gentleman from Cook, Representative Giglio, for what purpose do you arise?"

Giglio: "Thank you, Mr. Speaker, only to remind of your suggestion that you consider we recess to go to our Committee Meetings and come back at 6:00."

Speaker Ryan: "Well, I want everybody to have an opportunity to be heard here, Representative. The Gentleman from Lake, Representative Matijevich for what purpose do you arise?"

Matijevich: "To explain my vote again."

Speaker Ryan: "I think you spoke in debate, Representative."

Matijevich: "No, I didn't. There was no debate, Mr. Speaker, I'd remind you that."

Speaker Ryan: "Proceed, Representative."

Matijevich: "This was on a over...overruling.."

Speaker Ryan: "Explain your vote, Representative."

Matijevich: "Mr. Speaker, I think all of us agree that there is power in the chair and I think those of us who've served here a long time recognize that, and power ought to be used. We know that it is used very often and we know that very often both sides of the aisle know when it's used, but I think this is a different time when I think most Members ought to put themselves in my Mike Madigan's spot because it could have been you who...who at the time may have been asking for a verification, and the truth of the matter is

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when there is a tie vote there's no such thing as a verification. The Amendment lost, it was tied, so, there was no way that he could have asked for a verification. Then when a vote was added, then the verification was in order. So, we're really talking about Member's rights, I know I can get mad when I do fight for a Member and I have fought for Members on the other side of the aisle, believe it or not when Bob Blair was here, and fought hard for them. So, this is not a matter I think, that is a matter of power because we know there's power there. We know that it's used and I agree that it ought to be used but I think that Member's rights ought to be recognized at all times, and that's why I feel that in this rare instance we should appeal the ruling of the chair."

Speaker Ryan: "The Gentleman from Cook, Representative Collins, for what purpose do you arise?"

Collins: "Well, Mr. Speaker, I ask you, Sir, if you'll remind the Members that there is a one minute time limitation on explanation of vote, and I'd also like to caution some of the Members on the other side of the aisle that they're in great danger of getting the sore throat that I acquired over the previous six years by shouting and trying to get recognition from the chair. It hurts and I'm just cured after these past few months, Gentlemen and I hope you don't get the same affliction I had."

Speaker Ryan: "The Gentleman from Cook, Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, history teaches us lessons and one of the things that I've seen since I've been here is that all of gall is divided into three parts as of June the 30th, all of the House will be divided into three parts, and the three parts will be the Democratic Leadership, the Republican Leadership and the Doeess. The Doeess have no rights, I suggest we just get adjusted to

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it."

Speaker Ryan: "Your point is well taken. The Gentleman from Cook, Representative Cullerton."

Cullerton: "Mr. Speaker, I would suggest that perhaps if we could just start over again with the Roll Call on Amendment #2..."

Speaker Ryan: "State your Motion now on the floor, Representative."

Cullerton: "Well, I can withdraw..., well it's my Motion. I will withdraw this Motion if you..."

Speaker Ryan: "No, I'm going to announce the results, Representative. On this issue there are 35 voting 'yes'...there are 85 voting 'yes', 85 voting 'no' and the Motion fails. Amendment #3 to House Bill 743, Representative Cullerton. Read the Amendment, Mr. Clerk."

Clerk Leone: "Amendment #3, Cullerton, amends House Bill 743 on page 42 and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, you just told me that when Speaker Blair was here things were much more exciting and I'm beginning to see your point. Amendment #3 is the third Amendment in a series of three which simply eliminates the effect of the application of the sales tax in Chicago from applying to food and medicine. The other two have been adopted, one by a Roll Call of 109 to 33, the second one by a voice vote. I would ask that this be adopted by a voice vote as well."

Speaker Ryan: "Is there any discussion on the Gentleman's Amendment? The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, for the reasons

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stated in the prior Amendment I rise to support the Gentleman's motion to adopt Amendment #3 to House Bill 743."

Speaker Ryan: "The question is, 'shall Amendment #3 to House Bill 743 be adopted?' All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. We have some 70 Amendments filed on this Bill. Representative Kosinski, for what purpose do you arise?"

Kosinski: "Just a point of information. Has the Conference Committee been established to settle all this stuff?"

Speaker Ryan: "I understand the Mayor is working on that. The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, giving the Clerk 10 minutes perfunctory time after we recess, I now move that the House stand at recess until 7:00 p.m."

Speaker Ryan: "The Gentleman moves that the House stand in recess until 7:00 p.m. The Gentleman from Kankakee, Representative McBroom."

McBroom: "Mr. Speaker, inquiry of the chair."

Speaker Ryan: "Proceed."

McBroom: "Would this be the appropriate time to move to suspend the Posting Rules for three additional Bills to be added to the Financial Institutions Committee Hearing tomorrow. I've talked to the Minority Spokesman, Representative Leon, it's find with him."

Speaker Ryan: "Read the Bill numbers, will you, Mr. McBroom?"

McBroom: "Yes, Mr. Speaker, 124, 430 and 666."

Speaker Ryan: "The Gentleman asks leave to suspend the appropriate posting rules on three Bills. All in favor will...is there...are there objections? Question? Mr. Kane."

Kane: "Yes, would the Chairman explain what the Bills do? There might be public interest in these Bills...that people...we

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should have notice if he would let us know what they are,
we might be able to make a judgement."

Speaker Ryan: "Representative McBroom."

McBroom: "Well, I..."

Speaker Ryan: "Representative, did you want to hold that until tonight, your Motion? The Gentleman holds his Motion until tonight. Representative Kane, maybe you can find out what those Bills are. The Lady from Cook, Representative MacDonald."

MacDonald: "Yes, I hope all of the Members of the Conservation and Natural Resource Committee will pay attention. Our meeting will be held at 2:00 in Room 304 in the Stratton Office Building. Please be there promptly because we have quite a few Bills to take care of."

Speaker Ryan: "The Gentleman from Cook, Representative Huskey."

Huskey: "Thank you, Mr. Speaker. The Motor Vehicle Committee will meet in C1 at 2:00. It's a very important meeting, the Secretary of State will be there presenting his views. I hope that every Member will be there on time. Thank you very much."

Speaker Ryan: "The Gentleman from Cook, Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, for the Members of the Registration-Regulation Committee because of the request of the Sponsors, I want you to know we will not meet tomorrow. They'll be postponed until a future time. So, we will not meet tomorrow."

Speaker Ryan: "The Gentleman from Cook, Representative Wolf."

Wolf J.J.: "Thank you, Mr. Speaker. The General Government Sub-Committee of the Committee on Appropriations will meet at 2:00. They were originally scheduled for 8:00 this morning. They will meet from 2:00 to 4:00 in Room 122B.

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The Public Safety Regulatory Sub-Committee which was originally scheduled to meet at 10:00 this morning will have to be rescheduled for a later date, and the Education Sub-Committee of Appropriations will meet at it's original time. That is 4:00 this afternoon in Room 122B and tomorrow morning at 9:00 a.m., the Economic Development Sub-Committee of Appropriations will meet at 9:00 a.m. in Room 122A. Thank you."

Speaker Ryan: "The Lady from Cook, Representative Barnes."

Barnes: "Mr. Speaker, the Health and Family Services Committee will not be meeting today. Thank you."

Speaker Ryan: "The Gentleman from DuPage, Representative Hudson."

Hudson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The House Committee on Higher Education which had to be postponed last week will meet tomorrow afternoon at 4:00 in Room C1."

Speaker Ryan: "The Gentleman from Champaign, Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. The House Cities and Villages Committee will meet in Room 114 at 2:00."

Speaker Ryan: "The Gentleman from Cook, Representative Telcszer renews his Motion, the House stand adjourned...recessed until 7:00 tonight. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the House will reconvene at 7:00 p.m."

Clerk Leone: "First Reading, Introduction of Bills. House Bill 857, Redmond-et al, a Bill for an Act to amend Sections of the Election Code, First Reading of the Bill. House Bill 858, Jones-et al, a Bill for an Act to amend Sections of the School Code, First Reading of the Bill. House Bill 859, Karpiel, a Bill for an Act to amend the Workmen's Compensation Act, First Reading of the Bill. House Bill 860, Rigney, a Bill for an Act to amend Sections of an Act

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concerning fees and salaries, First Reading of the Bill. House Bill 861, Pechous, a Bill for an Act to prohibit the Employment of this State, of aliens who are in the United States illegally, First Reading of the Bill. House Bill 862, Pechous-Kornowicz, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 863, Abramson, a Bill for an Act amending the Worker's Compensation Act, First Reading of the Bill. House Bill 864, Leinenweber, a Bill for an Act to amend Sections of the School Code, First Reading of the Bill. House Bill 865, Hannig, a Bill for an Act to add Sections to the Unemployment Insurance Act, First Reading of the Bill. House Bill 866, Fawell, a Bill for an Act to repeal Sections of the Park District Code, First Reading of the Bill. House Bill 867, Mulcahey, a Bill for an Act to amend Sections of the Inheritance and Transfer Tax Law, First Reading of the Bill. House Bill 868, Mulcahey, a Bill for an Act to permit cities, villages, incorporated towns to make refunds on property tax payments to persons 65 years of age or older, First Reading of the Bill. House Bill 869, Reilly-Hoffman, a Bill for an Act to add Sections to School Code, First Reading of the Bill. House Bill 870, Reed-et al, a Bill for an Act to amend Sections of the Snowmobile Registration and Safety Act, First Reading of the Bill. House Bill 871, Reed-et al, a Bill for an Act to amend Sections of the Snowmobile Registration and Safety Act, First Reading of the Bill. House Bill 872, Reed-et al, a Bill for an Act to amend Sections of the Snowmobile Registration and Safety Act, First Reading of the Bill. House Bill 873, Kornowicz-et al, a Bill for an Act to revise the law in relationship to 'Cashmere Polaski's' birthday, First Reading of the Bill. House Bill 874, Reilly, a Bill for an Act to amend Sections of the School

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Code, First Reading of the Bill. House Bill 875, Farley-Mautino-et al, a Bill for an Act to provide for the sharing of Illinois Income Tax Revenue with park, forest, preserve, conservation districts, First Reading of the Bill. House Bill 876, Farley-Mautino-et al, a Bill for an Act to amend Sections of the Illinois Lottery Law, First Reading of the Bill. House Bill 877, McPike-et al, a Bill for an Act to amend Sections of an Act in relationship to compensation of sheriffs, coroners, county treasurers, county clerks, recorders, auditors, within the necessary clerk hire, stationery and etcetera, First Reading of the Bill. House Bill 878, McPike-et al, a Bill for an Act to permit employees to review personnel records, First Reading of the Bill. House Bill 879, Birkinbine, a Bill for an Act to amend Sections of the School Code, First Reading of the Bill. House Bill 880, Chapman-et al, a Bill for an Act to amend Sections of the Illinois Income Tax Act, First Reading of the Bill. House Bill 881, Yourell, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 882, Vinson, a Bill for an Act to amend Sections of an Act in regard to limitations, First Reading of the Bill. House Bill 883, Birkinbine-Katz, a Bill for an Act to amend Sections of the Public Community College Act, First Reading of the Bill. House Bill 884, Piel, a Bill for an Act to amend Sections of the Illinois Banking Act, First Reading of the Bill. House Bill 885, Irv Smith-et al, a Bill for an Act to amend Sections of the Illinois Pension Code, First Reading of the Bill. House Bill 886, Kornowicz, a Bill for an Act to add Sections to the Housing Authority Act, First Reading of the Bill. House Bill 887, Watson, a Bill for an Act to amend Sections of the Illinois Vehicle Code, First Reading of the Bill. House Bill 888, Wikoff-et al, a Bill for an Act to amend

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Sections of an Act to provide for the organization and maintenance of the University of Illinois, First Reading of the Bill. House Bill 889, Cullerton-et al, a Bill for an Act to amend Sections of the Revenue Act, First Reading of the Bill. House Bill 890, Currie-Bowman-et al, a Bill for an Act to add Sections to an Act to revise the law in relationship to landlord and tenant, First Reading of the Bill. House Bill 891, Reilly, a Bill for an Act to amend Sections of the School Code, First Reading of the Bill. Representative Garmisa. House Bill 892, Steczo-McCourt, a Bill for an Act to provide for the licensing regulation of cable and community antenna television systems, First Reading of the Bill. House Bill 893, Steczo-McCourt, a Bill for an Act in relationship to the protection of rights of privacy, First Reading of the Bill. House Bill 894, Rea, a Bill for an Act to provide for Sections of the River Conservation Districts Acts, First Reading of the Bill. House Bill 895, Richmond, a Bill for an Act to amend Sections of the Union Jackson County Regional Port District Act, First Reading of the Bill. House Bill 896, Abramson-et al, a Bill for an Act to add Sections of the Illinois Act on aging, First Reading of the Bill. House Bill 897, Abramson-et al, a Bill for an Act to make an appropriation to the Department on Aging, First Reading of the Bill. House Bill 898, Piel, a Bill for an Act to amend the Election Code, First Reading of the Bill. House Bill 899, Mautino-et al, a Bill for an Act to amend Sections of the School Code, First Reading of the Bill. House Bill 900, Vinson-et al, a Bill for an Act relating to certain investment credits, First Reading of the Bill. House Bill 901, Stanley-Jackson, a Bill for an Act to amend Sections of the Illinois Pension Code, First Reading of the Bill. House Bill 902, Stanley-McAuliffe, a Bill for an Act to

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authorize supplemental notice by radio and television, First Reading of the Bill. House Bill 903, McClain, a Bill for an Act to add Sections to the Waste Oil Recovery Act, First Reading of the Bill. House Bill 904, Schuneman, a Bill for an Act to add Sections to the Illinois Vehicle Code, First Reading of the Bill. House Bill 905, Richmond-Brunner, a Bill for an Act to amend Sections of the Inheritance and Transfer Tax Law, First Reading of the Bill. House Joint Resolution Constitutional Amendment 20, Friedrich. Resolved by the House of Representatives of the Eighty-Second General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution, a proposition to amend Section 2 of Article X of the Constitution to read as follows: Article X, Education. Section 2. Superintendent of Public Instruction. A superintendent of Public Instruction shall be elected by the electors of the State and shall hold office for four years beginning on the second Monday of January after his election. To be eligible to hold the office of Superintendent of Public Instruction a person must be a United States citizen, at least 25 years old and a resident of this State for three years preceding his election. Any vacancy in the office of Superintendent of Public Instruction shall be filled in the manner provided in Section 7 of Article V. The Superintendent of Public Instruction shall be the chief educational officer of the State having general supervision responsibility in relation to public elementary and secondary schools, and shall, except as limited by law, establish goals, determine policies, provide for planning and evaluate education programs and recommend financing.

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The Superintendent shall have such other duties and powers as provided by law. Transition Schedule. If this Amendment is approved by the electors of the general election in 1982, a Superintendent of Public Instruction shall be elected at the general election in 1984 for a term of four years and shall take office on the second Monday of January after his election at which time the State Board of Education shall cease to exist. Thereafter a Superintendent of Public Instruction shall be elected in 1988 and every fourth year thereafter for a term of four years. First Reading of this Constitutional Amendment. No further business, the House now stands in recess..recess until 7:00 this evening."

Speaker Ryan: "The House will be in order and the Members will please be in their seats. On page four of the Calendar, House Bills, Second Reading. House Bill 743. Amendment #4. Read the Amendment, Mr. Clerk."

Clerk Leone: "Amendment #4, Stuffle-McPike, amends House Bill 743 on page 19 and so forth."

Speaker Ryan: "Mr. Stuffle or Mr. McPike on the floor? Mr. McPike on Amendment #4. Representative McPike, did you need a few more minutes?"

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #4 deletes language in the Bill that we feel is extremely discriminatory against unions and the workers that they represent. The Bill is set up to give the authority certain fiscal responsibilities as set forth on page 63 of the Board under Section..under Section C-2. The Board has broad review powers. It has the authority to review the budget and the financial plan. It is required..the agencies under the Board are required to submit to the Board financial plans quarterly which show a balance, a cash flow balance, as well as a yearly balance.

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The Board has the authority to review these budgets and if they are found to be not in compliance with their fiscal requirements, then a particular agency would be required to resubmit within 30 days a new budget. We are deleting the language on page 65 and 66 which gives the Board the power to review and veto immediately a collective bargaining agreement. The language in this Bill would, in effect, make it impossible for a bargaining agent, for a union bargaining agent, to, in good faith, bargain across the Board and to reach an agreement knowing that the management entity that it was bargaining with did not really have the power to sign off on this agreement. But that once the union and management signed off on the agreement, it would then be submitted to a higher authority which could in effect veto or negate everything that had been bargained. There would really be no reason to have good faith bargaining. That is in Section E-1. Section E-2 would in effect make it impossible to find an arbitrator who would come in in a case like this. Because what it says is that first of all, the arbitrator must not only be an expert in settling wastes disputes, or contract disputes, but the arbitrator himself must have an expertise to really set up the financing for the entire agency. It sets out on page 66 that the arbitrator in effect has to write the budget for the CTA or the RTA, in this case. And not only that, but after the arbitrator wrote the budget and set forth binding arbitration, then the Board could simply overturn that decision. So, in the case of E-1, the union and management would have no reason to come to an agreement and in the case of E-2, if they submitted their facts the binding arbitration would be difficult if not impossible to find an arbitrator. And if they did find one, his final binding arbitration could be overturned by a higher

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authority. So you've set up language in E-1 and E-2 which is going to make it impossible for any agreements to be reached. We feel very strongly that the powers given to the Board in Section C-1 and 2 are sufficient. They're sufficient to have not only the Board, but the agencies under the Board, fiscally responsible. And we think they're all encompassing. And we think it's redundant and superfluous to add the language specifically detrimental to labor unions and to management that wants to reach a good faith agreement in Sections E-1 and E-2. And that's the essence of Amendment #4 and I would ask for your support on it."

Speaker Ryan: "Is there any discussion? The Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker. Would the Sponsor yield?"

McPike: "Yes."

Speaker Ryan: "He indicates he would yield."

Ebbesen: "Yes. It's my understanding that what you're really eliminating here with this Amendment is all the language that would require the CTA to negotiate labor contracts in relation to the available revenue. And you know, I..to me, the reason we're standing down here is the fact that you didn't negotiate labor contracts in the school system, in the RTA and the CTA and everything else. That's why we're down here with this money crisis and you want to take out the language that says that we're not going to operate within the money we've got available. Is that correct?"

McPike: "No, that's not correct at all.."

Ebbesen: "Would you explain it?"

McPike: "Pardon me?"

Ebbesen: "Would you explain what you mean, Sir?"

McPike: "Yes. On page 63 and 64 of Section C-2, sub 1,2,3, and 4 under C-2, gives the Board all the authority that it needs

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to review yearly and quarterly all budgets submitted to it. I could read it or you could read it. But it says clearly, that the Board shall review the budget, the financial plan of each grant recipient so submitted. And the Board shall not release to such grant recipients any funds for the periods covered by such budget unless you meet 1,2,3 and 4 under this, which in effect say, the budget has to be balanced. A cash flow has to be balanced. Everything has to be in order before you can release these funds. All we're saying is that by adding the language on page 65 and 66, specifically directed to a negotiated labor contract, is taking away necessary authority that should be given to the CTA so that they can negotiate. You can't negotiate a labor contract and sign it, expect good faith bargaining on both sides if the next day the overall authority is going to negate or veto everything you're agreed to. Now, we're not trying to say that during that quarter that the CTA doesn't have to submit a revised budget, because they do. Because clearly, in C-2, the Board..the CTA has to submit a revised budget and the authority has the right to say that, 'You're not balanced, given it a new contract'. And you're going to have to go back and either change the services or renegotiate. But that's on a quarterly basis saying, 'You're not in balance'. We don't want to take that authority away. We agree they should have that authority."

BBesen: "Well, I would just like to say based on our own ..by Resolution, our House of Representatives Select House Committee on the Financial Condition of the RTA, and reading from the independent audit of Pete Marwick Mitchell and Company, if you go to page 12 and I don't want to be premature, relative to other Amendments that are forthcoming, but I know that during the course of these

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Committee deliberations, that the topic of the excessive CTA labor costs was continually addressed and the CTA union contracts contained, and I'm quoting now out of our report, 'quarterly costs of living adjustments calculated on an overall wage', not a base pay, but overall wage and the testimony submitted to the Committee revealed that the CTA drivers earn the top hourly wage for bus operators in major cities in this country, really I guess about \$3.00 more than they do in New York, and that's all well and good. And it's within the financial resources of the authority. But as far as the CTA drivers, that currently the cost, the system, at least \$34 thousand a year in salary and fringe benefits and I want to say this. I want you to listen. The fringe benefits and related payroll costs amount to 47 percent of the salary. Now this is in our report here on everybody's desk and now we're talking about an Amendment that addresses itself to eliminating all language to require the CTA to negotiate labor contracts that is available..as far as available revenues are concerned. I think this is a terrible Amendment and I can't imagine that there should be one affirmative vote up there. And I would encourage everybody to vote negatively."

Speaker Ryan: "Is there any further discussion? The Gentleman from Coles, Representative Stuffle, did you care to be recognized? The Gentleman from Macon, Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition of the Bill (sic)..the Amendment. It eliminates all language to require the CTA to negotiate labor contracts in relation to available revenues. The problem and one of the reasons we're here ..down here today is because the existing authority has been able..has not been able to contain their costs. Language in the

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contract...the existing language in the contract today which allows people a very ..a job classification structure which is..has obvious jurisdictional problems, which allows janitors to make \$22 thousand, which gives no incentive for improved productivity...This is a very bad Bill (sic). And I would please urge a 'no' vote."

Speaker Ryan: "The Gentleman from Lake, Representative Barkhausen."

Barkhausen: "Will the Sponsor yield?"

Speaker Ryan: "He indicates he will."

Barkhausen: "I can't..the Gentleman from Alton, I wish he could ..could tell me how his voters in southern Illinois would be willing to support a state subsidy at the same time that the people responsible for negotiating a labor contract are able to do so without regard to the revenues available."

McPike: "The people of my District respect negotiated collective bargaining agreements, be they at Alton or Chicago or New York or Poland. We support the right of working men and women to sit down at the table and negotiate contracts and have them lived up to. Is that what you want to know?"

Barkhausen: "No..Yes, I do. But I also want to know and I understand that organized labor is very strong in your District. But certainly the taxpayers have to be represented too. And is it possible, really, to negotiate a labor contract on behalf of public employees whose wages are financed by the taxpayers, be it of the Chicago area or now, of the State of Illinois, as many people are asking us to do? Is it possible to have these contracts negotiated without regard to the fact that a binding contract may obligate us here in Springfield to substantially raise taxes as a result of that contract? Shouldn't there be some overriding authority with the power to review that contract? To assure that there are existing revenues

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available that will not necessitate a tax increase that we would have to pass?"

McPike: "Yes, I agree that there should be. And there is as I read about five minutes ago from page 63, C-2, 1,2, 3 and 4 which requires yearly and quarterly reviews of the CTA and if they do not comply with cash flow, revenues for the quarter and for the year, if they do not comply with all of these requirements set out here, if you've read these, they do not comply..."

Barkhausen: "I have.."

McPike: "...If you do not comply with all of these requirements, then they have to submit a revised budget. We don't object to that. We don't object to the authority having review powers over a budget. There's no objection there.."

Barkhausen: "But, having to submit...Wouldn't you agree though, that having to submit a revised budget after a contract has been negotiated would be tantamount to forcing the labor union to renegotiate its contract? Certainly something that you would not readily agree to."

McPike: "No, I don't agree at all. That's not necessary.."

Barkhausen: "..If we were to go the CTA as many of us on both sides of the aisle are insisting ought to be done, if we were to say at this point that they, instead of maintaining that they have \$150 million deficit, ought to be required to go back to their union or sit down in one way or another, revise their budget as the language in Section 4-11 would seem to require, wouldn't that at this stage of the game, and wouldn't it in the future require renegotiation of a contract, if in fact, there was not a review...a review mechanism built-in to the Statute as the Governor has proposed that would require this overview in the first place?"

McPike: "Well, I think you're just being punitive to labor

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unions. In Section E-1 you say the Board shall immediately cease distributing funds, period, immediately, right away. In other words, the CTA has no power to negotiate a contract. They have no power to sit down and bargain across the table. Because immediately when they submit that contract to the RTA, immediately, they will cease all distribution of funds for all operations. Now, that's not responsible. There's nothing responsible about that. You don't cease distribution of all funds immediately. How can you possibly say that that's a responsible way to run a mass transit system to shut it down over night? That's what this says. Shut it down over night because you don't like the contract that was negotiated. I say that that's exactly the opposite of what you should do. I say that you have the broad review powers that you want. They're spelled out specifically for you on the previous page. You have a right to request the agency to resubmit a budget, that it be balanced and that you operate financially sound on a quarterly and yearly basis. Now, what else can you ask for? We don't want to shut down the system."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, speaking to the merits of the Amendment #4 to House Bill 743, I submit that the Gentleman's Amendment if it strikes the language of Section 4-11 which would, for the first time, provide a real oversight for the CTA, would put us in a situation similar to that which we are in now, whereby we have no choice, but either to cut off funds and bring the system to a whole ..to a halt or to vote for the tax increase and an increased subsidy. And I think it's important we have a mechanism which assures that a labor contract be negotiated based on past appropriations and expected future appropriations. The Gentleman submits that I'm trying to be punitive to labor organizations. I

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have no such intention. I'm trying to be fair to them and fair and not punitive to the taxpayers of this state. I urge a 'no' vote on this Amendment."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Well, Mr. Speaker and Members of the House, Amendment #4 to House Bill 743 is indeed interesting. Upon first review of the Amendment it appears as though this Amendment deals principally and solely with the question of labor negotiations and labor contracts. And, indeed, it does. And for those of you who have strong feelings either way regarding the role of organized labor in the area of mass transportation, you ought to read very carefully the provisions of Amendment #4 in that regard. And then of course, vote your conscience. But let me also point out to the Members of the House, that Amendment #4 also contains in it some of the most debilitating, destructive language that I think any Amendment has in regard to any of the Bills in this entire package. The net effect of Amendment #4, despite the Sponsor's words of encouragement, is to force the TFA to ultimately pass on to the RTA any amount of money which they wind up spending. Amendment #4 cuts the heart out of our legislation which puts some degree of control upon the spending habits of the Chicago Transit Authority. I refer you to lines 31 through 33, in Amendment #4. If this Amendment is adopted, no matter how you feel about the provisions of having some kind of hand on the CTA, you must vote in opposition to the adoption of Amendment #4. And I make this plea to my fellow Legislators from Chicago. The question of responsible spending habits affects all citizens in the state. And your constituents and mine in the city also want accountability for the way their tax money is spent by the Chicago Transit Authority. Adopting Amendment #4 will take

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away from the TFA any ability, any ability to put the CTA to the wall so that they would account for a balanced budget and for spending within the parameters of that balanced budget. If Amendment #4 is adopted, yes, the TFA could still review the budget and yes, the CTA may have to be asked to submit another budget, but ultimately the power to deny money to the CTA from the TFA is taken out by Amendment #4. So, Mr. Speaker and Members of the House, I think it would be prudent for any Member of the House who is looking for some type of fiscal accountability to vote 'no' on the Gentleman's Motion to adopt Amendment #4."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson, do you seek recognition? You're recognized."

Vinson: "Will the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

Vinson: "Now, your Amendment as I understand it, Representative McPike, deletes lines 24 through 35 on page 64 of the Bill. Is that correct? Representative McPike? Your Amendment deletes lines 24 through 35 on page 64 of the Bill. Is that correct?"

McPike: "Correct."

Vinson: "Now, those lines actually don't really go at labor at all, do they? Don't they really go ...wither at the ability of the TFA to ensure that there's a balanced budget by the CTA? Isn't that all those lines do? Representative McPike?"

McPike: "Would you ask that question again?"

Vinson: "Don't all those lines do..require the TFA ..permit the TFA to require the CTA to have a balanced budget? That's what you're really deleting, isn't it?"

McPike: "Which language are you talking about? Would you quote the language you're talking about so we're clear?"

Vinson: "Unless the Board shall determine that clause #1 of

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paragraph 2 is met, then there can be no release of funds.

Isn't that what that language you're deleting does?"

McPike: "That language is replaced by Amendment #24 that's sponsored by Stuffle and myself."

Vinson: "Well, I'd urge that we don't need that. We can solve the problem right here by rejecting this Amendment."

McPike: "Well, my point is that if that is your only objection, that language is being replaced in Amendment #24."

Speaker Ryan: "Is there any further discussion? The Gentleman from Madison, Representative McPike, to close."

McPike: "The Cosponsor of the Amendment, Representative Stuffle, will close."

Speaker Ryan: "The Gentleman from Coles, Representative Stuffle, to close."

Stuffle: "Yes, Mr. Speaker and Members. I find it interesting that Representative Vinson would make the point that he did and then imply that he would oppose #24, imply that we ought to kill this Amendment. We ought not to clean it up later. He made only argument that I could hear. There's a difference of opinion I think whether that Section on page 64 should come out. Clearly, it's agreed even on the other side, that the four provisions that Representative McPike alluded to are still in the Bill with regard to budgetary review. It's interesting to me that those people would stand up and argue that they ought to have the type of review procedure that they want to have with regard to union contracts. This is a double standard. It's simply an anti-labor maneuver. There's no standard in here that requires review of fuel contracts, of administrative contracts, of nonunion contracts. Eight hundred and eighty people work for the agency now, administrators, nonunion people. No one speaks to that. This is simply an issue of whether or not you're for collective bargaining, seniority,

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whether or not you believe in the right of the employee, whether or not you believe in freedom of association. If you're for a double standard, if you want to embrace the argument made for that on the other side, then you ought to vote 'no'. If you believe in the position that the majority took today on House Bill 738 on another Amendment, you ought to vote 'yes' on this particular Amendment and I would urge for those reasons and the arguments made by my chief hyphenated Cosponsor, Representative McPike, that this ought to receive an 'aye' vote."

Speaker Ryan: "The question is, 'shall Amendment #4 to House Bill 743 be adopted?' All in favor will signify by saying 'aye', all opposed 'no'. The 'nos' have it. Mr. McPike, did you seek recognition? Was there some question about the call on that, Representative? Let's do that again. All in favor of the adoption of Amendment #4 ..."

McPike: "I would just seek..."

Speaker Ryan: "...Will signify by voting 'no'.. 'aye' and those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? The Gentleman from Cook, Representative Telcser."

Telcser: "I ask for a verification, Mr. Speaker."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. The Gentleman from Cook, Representative Telcser, has asked for a verification and the Gentleman from Madison, Mr. McPike, has asked for a poll of the absentees."

Clerk Leone: "Poll of the Absentees: Abramson. Barnes. Capparelli. Kucharski. Martire. Mautino. McBroom. McCormick. Ted Heyer. Oblinger. Redmond. Stearney. J.J. Wolf. And, Woodyard."

Speaker Ryan: "Poll of the Affirmative Vote, Mr. Clerk."

Clerk Leone: "Alexander. Balanoff. Beatty. Bowman. Bradley.

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Braun. Breslin. Brummer. Bullock. Carey. Catania.
Chapman. Christensen. Cullerton. Currie. Darrow.
DiPrima. Domico. Donovan. Doyle. Farley. Flinn.
Garmisa. Getty. Giglio. Giorgi. Greiman. Hanahan.
Hannig. Henry. Huff. Jackson. Jaffe. Jones. Kane.
Katz. Keane. Dick Kelly. Kornowicz. Kosinski. Kraska.
Kulas. Laurino. Lechowicz. Leon. Leverenz. Levin.
Madigan. Matijevich. McClain. McGrew. McPike.
Mulcahey. Murphy. O'Brien. O'Connell. Ozella. Pechous.
Pierce. Pouncey. Preston. Rea. Rhem. Richmond. Ronan.
Saltsman. Satterthwaite. Schneider. Schraeder. Slape.
Margaret Smith. Steczo. Stewart. Stuffle. Terzich.
Turner. Van Duyne. Vitek. White. Sam Wolf. Younge.
Yourell. And, Zito."

Speaker Ryan: "Alright. The House will be in order. The Members will please get in their seats. Mr. Doorman, let's clear these aisles out...this place straightened up here. The Gentleman from Macon, Representative Dunn, for what purpose do you seek recognition?"

Dunn, Jack: "Thank you, Mr. Speaker. Please change my vote from 'no' to 'aye'."

Speaker Ryan: "Change Mr. Dunn from 'no' to 'aye'. The Gentleman from Kankakee, Representative McBroom, for what purpose do you seek recognition?"

McBroom: "Yes, Mr. Speaker. I don't believe I'm recorded. I'd like to be recorded 'no'."

Speaker Ryan: "Record the Gentleman as 'no'. The Gentleman from Cook, Representative Meyer."

Meyer: "How am I recorded, Mr. Speaker?"

Speaker Ryan: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is not recorded as voting."

Meyer: "Please vote me 'no', Mr. Speaker."

Speaker Ryan: "Record the Gentleman as 'no'. The Gentleman from

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Cook, Representative Abramson."

Abramson: "Mr. Speaker, how am I recorded?"

Speaker Ryan: "How's the Gentleman recorded?"

Clerk Leone: "The Gentleman is not recorded as voting."

Abramson: "Vote me 'no'."

Speaker Ryan: "Record him as 'no'. Representative Telcser, do you have any questions of the Affirmative Roll Call? There are 84 'aye' and 81 'no'. Representative Telcser?"

Telcser: "Representative Balanoff."

Speaker Ryan: "Representative Telcser, would you repeat the name please?"

Telcser: "Representative Carrie?"

Speaker Ryan: "Representative Carrie is in his seat."

Telcser: "Representative Chapman."

Speaker Ryan: "Representative Chapman on the floor? The Lady in the chamber? How is she recorded?"

Clerk Leone: "The Lady is recorded as voting 'aye'."

Speaker Ryan: "Remove her from the Roll Call."

Telcser: "Representative Christensen."

Speaker Ryan: "Representative Christensen on the floor? Is the Gentleman in the chamber? How is he recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Darrow."

Speaker Ryan: "Representative Darrow on the floor? He is in his seat."

Telcser: "Representative Farley?"

Speaker Ryan: "Representative Farley in the chamber? Representative Farley? Is the Gentleman in the chamber? Remove him from the Roll Call. How's he recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Flinn."

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Speaker Ryan: "Representative Flinn in the chamber?"

Representative Flinn? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Giglio."

Speaker Ryan: "Representative Giglio on the floor?"

Representative Giglio? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Huff?"

Speaker Ryan: "Representative Huff on the floor? In his chair."

Felcser: "Representative Lechowicz."

Speaker Ryan: "Representative Lechowicz on the floor? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Leon."

Speaker Ryan: "Representative Leon's here in front of the chamber...er..the well."

Felcser: "Representative McGrew?"

Speaker Ryan: "Representative McGrew on the floor? Is the Gentleman in the chamber? How's he recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Pierce."

Speaker Ryan: "Representative Pierce in the chamber?"

Representative Pierce? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Garmisa."

Speaker Ryan: "Representative Garmisa in the chamber? How's he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

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Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Preston."

Speaker Ryan: "In his chair."

Felcser: "Representative O'Brien?"

Speaker Ryan: "Representative O'Brien on the floor? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Rea?"

Speaker Ryan: "Representative Rea on the floor? In his chair."

Felcser: "Representative Domico."

Speaker Ryan: "Representative Domico in the chamber?
Representative Domico. How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Ronan."

Speaker Ryan: "Representative Ronan? Is Ronan in the chamber?
Remove him from the Roll Call. Oh, no. The Gentleman...I
thought that was Farley back there. Pardon me.
Representative Ronan is in his chair."

Felcser: "Representative Schneider."

Speaker Ryan: "Representative Schneider in the chamber? How is
the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Terzich."

Speaker Ryan: "Representative Terzich in the chamber? How is the
Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Felcser: "Representative Slape."

Speaker Ryan: "Representative Slape in the chamber? In his
chair."

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Telcser: "Representative Yourell."

Speaker Ryan: "Representative Yourell in the chamber?"

Representative Yourell? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Alexander."

Speaker Ryan: "Representative Alexander in the chamber? The Lady's in her chair."

Telcser: "Representative Van Duyne."

Speaker Ryan: "Representative Van Duyne, is the Gentleman in his seat? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call. Mr. Redmond, for what purpose do you arise?"

Redmond: "Please record me as 'aye'."

Speaker Ryan: "Record the Gentleman as 'aye'. Representative Mautino, for what purpose do you seek recognition?"

Mautino: "Just to slow down the avalanche. I'd like to be recorded 'aye'."

Speaker Ryan: "Record the Gentleman 'aye'. Proceed, Mr. Telcser."

Telcser: "Representative Brummer?"

Speaker Ryan: "Representative Brummer? Is the Gentleman in the chamber? In his chair."

Telcser: "Representative Mulcahey."

Speaker Ryan: "Representative Mulcahey in the chamber? Representative Mulcahey? How's the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Telcser: "Representative Keane."

Speaker Ryan: "Representative Keane in the chamber? The Gentleman's in his seat."

Telcser: "That's all I have, Mr. Speaker."

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Speaker Ryan: "Do you seek recognition, Representative Madigan?"

Madigan: "To ask you to recognize Mr. Garmisa."

Speaker Ryan: "Mr. Garmisa? Mr. Madigan asks that I recognize you."

Garmisa: "I understand that you've taken me off the Rolls. I'd like to be returned..."

Speaker Ryan: "Remove Garmisa...Representative...Replace Representative Garmisa..."

Garmisa: "Restore..."

Speaker Ryan: "Replace Representative McGrew. Representative Mulcahey. Replace Representative Mulcahey. Replace Representative Van Duyne. Replace Representative Schneider. Replace Representative Pierce. On this question there are 76 voting 'aye', 81 voting 'no'. Replace Representative Giglio, would you please? On this issue there are 77 voting 'aye', 81 voting 'no'. And the Gentleman's Amendment fails. Further Amendments? Representative McPike, for what purpose do you seek recognition?"

McPike: "Now, Mr. Speaker, that's the exact same thing you did this afternoon..."

Speaker Ryan: "What's your point, Representative? For what purpose do you seek recognition?"

McPike: "I want to verify the Negative Roll before you announce the Amendment's defeated."

Speaker Ryan: "I'll give you that opportunity, Representative, if you'll let me know that."

McPike: "I'd like to verify the Negative."

Speaker Ryan: "Read the Negative Roll Call, Representative...er..Mr. Clerk."

Clerk Leone: "Poll of the Negative Roll Call: Abramson. Ackerman. Alstat. Barkhausen. Bartulis. Bell. Bianco. Birkinbine. Boucek. Bower. Collins. Conti. Daniels.

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Davis. Deuchler. Deuster. Jack Dunn. Ralph Dunn..."

Speaker Ryan: "Mr. Dunn...Representative Dunn, do you seek recognition?"

Dunn, Ralph: "Mr. Speaker, I'd like to be verified if I could?

May I be verified as a 'no' vote?"

Speaker Ryan: "The Gentleman says that's fine. Is any...Jones, do you seek recognition?"

Jones: "Not at this moment, Mr. Speaker. You should have recognized me when I..you had the opportunity to."

Speaker Ryan: "I'd never pass up that opportunity, Representative. Representative Chapman, do you seek recognition?"

Chapman: "Yes, Sir. Please vote me 'aye'."

Speaker Ryan: "Record Representative Chapman as 'aye'. Proceed."

Clerk Leone: "Proceeding with the Poll of the Negative: Ebbesen. Epton. Ewell. Ewing. Fawell. Findley. Virginia Frederick. Dwight Friedrich. Griffin. Grossi. Hallock. Hallstrom. Hastert. Hoffman. Hoxsey. Hudson. Huskey. Johnson. Karpiel. Jim Kelley. Klemm. Kociolko. Koehler. Kustra. Leinenweber. Macdonald. Margalus. Mays. McAuliffe. McBroom. McCourt. McMaster. Ted Meyer. Roland Meyer. Miller. Neff. Nelson. Peters. Piel. Polk. Pullen. Reed. Reilly. Rigney. Robbins. Ronan...Excuse me. Clerk's error. Ropp. Sandquist. Schuneman. Irv Smith. Stanley. E.G.Steele. C.M.Stiehl. Swanstrom. Tate. Telcser. Topinka. Tuerk. Vinson. Watson. Wikoff. Winchester. Zwick. And, Mr. Speaker."

Speaker Ryan: "Mr. McPike, do you have some questions?"

McPike: "Yes, thank you, Mr. Speaker."

Speaker Ryan: "But..Just a minute and I'll get you the count."

McPike: "Thank you."

Speaker Ryan: "Seventy-eight 'aye', 81 'no'."

McPike: "Mr. Speaker, would you tell me how Representative

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Christensen and Representative O'Brien...."

Speaker Ryan: "Well, Representative Christensen just walked in the chamber and asked to be put back on the Roll Call..."

McPike: "Representative O'Brien over here?"

Speaker Ryan: "Where is Representative O'Brien?"

McPike: "Right over here in the corner."

Speaker Ryan: "With Representative Madigan. Return Representative O'Brien to the Roll Call."

McPike: "What is the count now, Mr. Speaker?"

Speaker Ryan: "There are 80... Just a minute. Representative Ewell?"

Ewell: "Mr. Speaker, would you record me 'aye'?"

Speaker Ryan: "Change Mr. Ewell from 'no' to 'aye' please. Alright.. The count now, Mr. McPike, is 81 voting 'yes' and 80 voting 'no'. The Gentleman from Johnson, Representative McCormick? Record Representative McCormick as voting 'no'. Return Representative Yourell to the Roll Call. The Lady from Cook, Representative Barnes. Record Representative Barnes as voting 'no'. Now, what's the count? The count, Mr. McPike, is now 82 voting 'yes' and 82 voting 'no'. Do you have any questions?"

McPike: "Yes. We have questions. Representative Steele, E.G."

Speaker Ryan: "Is Representative...Representative Steele I believe was excused this morning and if he's voted he shouldn't be. Remove him from the Roll Call."

McPike: "Representative Vinson."

Speaker Ryan: "He's in his chair."

McPike: "Representative Tuerk?"

Speaker Ryan: "Representative Tuerk in the chamber? He's in his chair."

McPike: "Representative Ropp."

Speaker Ryan: "In his chair."

McPike: "Representative Robbins."

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Speaker Ryan: "At his desk."

McPike: "Representative Piel."

Speaker Ryan: "In his chair."

McPike: "Representative Neff."

Speaker Ryan: "At his chair..at his desk."

McPike: "Representative McCourt."

Speaker Ryan: "In his chair."

McPike: "Representative McAuliffe?"

Speaker Ryan: "In his chair."

McPike: "Representative Leinenweber."

Speaker Ryan: "Representative Leinenweber on the floor?

Representative Leinenweber in the chamber? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman..."

Speaker Ryan: "Here he is right here."

McPike: "Representative Kelly?"

Speaker Ryan: "Representative Kelly's in his chair."

McPike: "Representative Karpfie."

Speaker Ryan: "She's at her..in her chair."

McPike: "Representative Johnson."

Speaker Ryan: "In his chair."

McPike: "Representative Hastert."

Speaker Ryan: "In his desk..in his chair."

McPike: "Representative Hallock?"

Speaker Ryan: "At his desk."

McPike: "Representative Griffin?"

Speaker Ryan: "In his..in his chair."

McPike: "Representative Deuchler?"

Speaker Ryan: "She's in her seat."

McPike: "Representative Bianco."

Speaker Ryan: "He's in the back of the chamber."

McPike: "Representative Bartulis?"

Speaker Ryan: "In his desk..in his chair."

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McPike: "Representative Ackerman."

Speaker Ryan: "At his desk."

McPike: "Representative Abramson."

Speaker Ryan: "Representative Abramson's over here."

McPike: "Representative Alstat."

Speaker Ryan: "Representative Alstat in the chamber? Right here,
in (sic) his desk."

McPike: "Thank you, Mr. Speaker. No further questions."

Speaker Ryan: "What's the count, Mr. Clerk? The Gentleman from
DuPage, Representative Daniels?"

Daniels: "Where are we at right now? What's the current count?"

Speaker Ryan: "We're about to get it as soon as the Clerk
tallies."

Daniels: "After you..."

Speaker Ryan: "On this issue there are 82 voting 'aye', 81 voting
'no'. Representative Daniels."

Daniels: "Well, I want to make sure that I'm recorded properly on
this Roll Call. How am I recorded?"

Speaker Ryan: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'no'."

Daniels: "Well, I have to talk to the Gentleman over here. Could
you..For the moment could you record me as 'present'?"

Speaker Ryan: "I'm going to take the Roll, Representative.
What's the...Representative Vinson, for what purpose do you
arise?"

Vinson: "Mr. Speaker, how am I recorded?"

Speaker Ryan: "How's the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'no'."

Vinson: "I think under the circumstances I'd like to be recorded
as voting 'present', Mr. Speaker."

Speaker Ryan: "Change the Gentleman to 'present'. What's the
count, Mr. Clerk? The Gentleman from Cook, Representative
Piel, for what purpose do you arise?"

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Piel: "Thank you, Mr. Speaker. How am I recorded?"

Speaker Ryan: "How's the Gentleman recorded? Piel."

Clerk Leone: "The Gentleman's recorded as voting 'no'."

Piel: "Under the circumstances, would you vote me 'present' for the time being please?"

Speaker Ryan: "On this issue there are 82 voting 'aye'...Representative Daniels."

Daniels: "I just talked to the Department of Transportation. They assure me it's a very good...it's a very, very bad Amendment, so I want to be recorded as 'no'."

Speaker Ryan: "Record the Gentleman as 'no'. Representative Piel."

Piel: "Yes, I was listening to Mr. Daniels' conversation with the Department of Transportation and they said it was a bad Amendment too. So would you change me to 'no' please?"

Speaker Ryan: "Record the Gentleman 'no'. Representative Vinson."

Vinson: "I think that I've seen the light on this and I'd like to be recorded as voting 'no' too, please, Mr. Speaker."

Speaker Ryan: "On this issue there are 82 voting 'aye', 81 voting 'no' and the Gentleman's Motion prevails. The Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Currie-Keane, amends House Bill 743 on page 1 and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Yourell, for what purpose do you arise?"

Yourell: "Yes, Mr. Speaker, to detract from the confusion, I'd like to have leave of the House to table three Bills."

Speaker Ryan: "Would you read the numbers?"

Yourell: "564, 565 and 632. I'm the Chief Sponsor of these Bills and they've been incorporated in other Bills and I would like leave to table them."

Speaker Ryan: "Would you read the numbers again, please?"

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Yourell: "564, 565 and 632."

Speaker Ryan: "The Gentleman asks leave to table House Bills 564, 565 and 632. Are there any objections? Hearing none, leave is granted and those Bills are tabled. Further Amendments to House Bill 743, Amendment #5. Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. Inadvertantly a year and a half ago, this General Assembly made a terrible mistake with the structuring of financial support for the Regional Transportation Authority, in fact, the lifeblood of mass transit in the six county regional area. In addition to giving away state subsidies, direct state support for the RTA, leaving our northeastern Illinois mass transit as the only Mass Transit District in the State of Illinois probably the only Mass Transit District in the entire country, without any kind of direct state subsidy. We gave away a portion of the sales taxes collected in the regional area. At the same time, at the Governor's behalf, we imposed a sales tax on those individuals living in northeastern Illinois, a differentiated sales tax, so that the residents of the County of Cook paid a higher rate than the residents of the County of DuPage, which..who also paid a higher rate than the residents of the other four collar counties. I would urge this General Assembly to undo that mistake in action of a year and a half ago. The point about mass transit, the point about our activities this week, is that mass transit is vital to the lifeblood of the State of Illinois. Our economy depends upon it and the important thing in restructuring the finance is to see to it that the portion, the share of funding mass transit is borne fairly, evenly and equitably throughout the State of Illinois. I am not arguing that the local area which enjoys the mass transit

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should not pay a fair share, but I would argue that the notion that we should have a one percent sales tax in the County of Cook, even with the Governor's proposal, that part of that amount be reduced in suburban Cook County and even with his proposal to permit the outlying counties to opt out is the wrong way to structure a railroad. I would urge you to support my Amendment to eliminate altogether sales tax in the northeastern metropolitan area on the grounds that that kind of way of financing mass transit is regressive, it's unfair, mistakes the point of a mass transit system in the lifeblood of the entire state. Amendment #5 to House Bill 743 would not differentiate the responsibilities from one county or one portion of the county to another. It would start our restructuring attempts this week at the right place. It would start us out by saying that a sales tax differentiated from one part of the world to another is not the right way to fund the mass transit system. And I would urge your 'aye' votes on Amendment #5 to House Bill 743."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser." Telcser: "Well, Mr. Speaker and Members of the House, history repeats itself. I've had the opportunity to serve in this ..."

Speaker Ryan: "...Just as minute, Representative. Alright. Let's get in our seats. Bring the House to order. Proceed, Mr. Telcser."

Telcser: "Listen Emil and you'll find out. Mr. Speaker and Members of the House, it seems to me I've heard this speech over and over and over again during the years I've had the privilege of serving in this Assembly. Not to impose a sales tax is a very, very appealing position to be in. I happen to agree philosophically that the sales tax is indeed a difficult one. We went through this debate

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just a year or two ago when we took up the question of taking off the sales tax on food and drugs totally or step by step. My independent liberal friends in particular on the other side of the aisle all took the position that that was an unfair tax and we ought to repeal it. Who could possibly disagree with that enviable position? But the fact of the matter is, most people who take that position rarely, if ever, introduce Bills to generate the revenue that's needed to replace that amount lost by repeal of the sales tax. I remember many years ago when we imposed the income tax and again many of my friends on the other side of the aisle lacked the political courage to vote for that tax. There's always a reason not to vote for a tax and there are always reasons to repeal an existing tax. That's a very easy position to be in but it is in my judgment the height of irresponsibility because the same people who talk about repealing taxes are the very same ones who cry about the condition of mass transportation, who complain about the high fares for mass transportation and who talk about having to do more and more for the poor people of Illinois. Well, let me remind you that mass transportation is critical for the poor people of Illinois and that if you want to come in with Bills to repeal existing taxes you ought to have the sense of responsibility and the political courage to impose corresponding taxes, to replace that lost revenue which you know darn well we need. Mr. Speaker and Members of the House, I'm not afraid to vote for a tax and go back to my District and explain to my constituents why I've done so. I debate a sales tax issue up and down my District and I believe my constituents understood the difference between political foolishness and responsible government. I know that all the Members of this House understand that we have outstanding instruments of debt

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whose credit....whose credit rating is based upon the ability for the transportation authorities to have funds come available so that we can retire those instruments of debt. The sales tax represents one of those sources. I don't think anybody in this chamber wants to jeopardize the ability of the mass transportation systems to raise money and to jeopardize the possible financial rating. There's nothing I would like better than to vote for this Amendment if there were a corresponding increase in taxes along with it. It's irresponsible, it's not the right thing to do, it's not going to help us to provide mass transportation for the people in the northern part of the state nor is it going to help us to fund the highway system and to repair the bridges and dangerous roads throughout Illinois. Mr. Speaker and Members of the House, we have to be responsible, we're elected to be leaders, not followers. We're elected to make difficult, tough decisions and imposing taxes I know is a tough decision. There aren't many times when you're called upon to be politically courageous. I say to you, it takes political courage and a sense of responsibility to vote against this Amendment. I'm going to vote against it, I'm not afraid of my constituents and you ought not be either. Mr. Speaker and Members of the House, I respectfully urge a 'no' vote on Amendment #5."

Speaker Ryan: "The Gentleman from Cook, Representative Pechous. The Gentleman from Peoria, Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker and Members of the House. I have to agree with Representative Telcszer, although I don't do it very many times. But it is quite obvious this is a smack at downstate. If we eliminate this tax that's going to put another burden on downstate and we're already carrying the burden. Mayor Byrne and Governor Thompson put

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this package together two years ago, it was their consensus and we suffered with it and now you're not going to jam it down our throat. We don't want this Amendment."

Speaker Ryan: "The Lady from Cook, Representative Macdonald."

Macdonald: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I couldn't agree more with Representative Schraeder and Representative Telcsen and I can tell you that the people of suburban Cook County will not accept this particular Amendment until we have equal transportation and until we have a viable transportation system. Other than rail transportation, we have no viable transportation and we are paying the tax. And we are paying the way. And we have had enough of it and we absolutely will not accept this Amendment."

Speaker Ryan: "The Gentleman from Cook, Representative Keane."

Keane: "Thank you, Mr. Speaker and Ladies and Gentlemen. The Sponsor of the Amendment, my Cosponsor, Representative Currie has introduced legislation to provide a replacement tax for this. One of the problems that some of my....a number of problems my colleagues have pointed out do exist. There has been a great deal of controversy between Chicago, suburban Cook County, and the collar counties because of this tax. The fact that we have had a different level of taxation, the fact that we have had substantially different levels of service, not only within Chicago...between Chicago, suburban Cook and the collar counties but among the collar counties themselves. This tax....this deal that we worked out that the Governor and Mayor Byrne supposedly worked out two or three years ago did not to my way of thinking, in any way help Chicago, Cook County or the Metropolitan area. The tax has been a cause of a tremendous amount of friction, it's unfair, it's unfair among....it differentiates....it discriminates against

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certain areas within the Metropolitan area. What it does if you'd look at it, it abolishes all the present RTA taxing powers. It doesn't say anything about future powers. Representative Currie does have legislation introduced which would go back to another taxing system. And I would urge your favorable consideration of this Amendment."

Speaker Ryan: "The Lady from Cook, Representative Pullen."

Pullen: "I would like to ask the Sponsor a question, please."

Speaker Ryan: "She indicates she'll yield."

Pullen: "By this Amendment removing the local taxing power of the TFA or whatever we're going to call it now, do you anticipate or do you intend to finance regional transportation in the six county region out of the farebox?"

Currie: "Not entirely, Representative Pullen, in fact, Representative Telcsers's comments to the contrary notwithstanding, I have introduced legislation that would help to find additional funding sources for the Regional Transportation Authority or the new TFA instead of the RTA."

Pullen: "I certainly wanted to clarify your intention. Thank you."

Currie: "It only applies to the RTA."

Speaker Ryan: "The Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would just like to point out to the Membership that these Bills will be going to Conference Committee. I think what we ought to be doing is looking at these Amendments as...in effect straw votes on the kinds of things we want when the bottom line is finally drawn. I would urge the Membership to vote accordingly. I believe that this....the sales tax is not only an onerous one but

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indeed the citizens of the six county RTA region now pay over two hundred million dollars more into the motor fuel tax fund and into the road fund then we get back in any way shape or form when it comes to transportation programs. And so, the comments of Representative Schraeder notwithstanding, this is a burden on the citizens of the RTA region that is not borne by downstate. I believe that we ought to send a message to the conferees and vote this Amendment on."

Speaker Ryan: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Ryan: "Indicates she will."

Friedrich: "Would you agree that the city of Chicago probably has the most...biggest concentration of service in the RTA area and probably creates a major part of the cost of the mass transit in that area?"

Currie: "I would certainly agree, Representative Friedrich, that the city of Chicago has the major share among cities in the six county metropolitan area of service. But I would point out to you, Representative Friedrich, that the city of Chicago is itself the most vital economic center of the State of Illinois and that the utility of the service of the city of Chicago is not a utility directly or even primarily for the residents of the city of Chicago, but it is in fact a utility for all the people of the State of Illinois."

Friedrich: "Well, it's my understanding that the biggest concentration of service is in the city of Chicago. The next biggest concentration is the suburban towns and the least is in the surrounding counties. Is that true?"

Currie: "It is factually accurate, but if you were going to draw the implication that it is Chicago that benefits primarily

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from the Regional Transportation system, I would respectfully beg to disagree with you."

Friedrich: "Well, don't you think there should be some kind of a cost benefit ratio, those who get the most service probably ought to pay the biggest part of the cost?"

Currie: "Representative Friedrich, indeed, there already is. The people who ride the CTA pay nearly 50 percent of the cost of that service. People who ride downstate mass transit systems pay 16 percent of the service. I would say that those who actually use the service in Chicago are already paying a good deal more than their fair share and I would again the point that the Chicago transit service is not a benefit only to the people who live in Chicago. The entire..."

Friedrich: "Well, Mr. Speaker..."

Currie: "And because of that all of you should be anxious to find ways to support this transit system."

Friedrich: "Well, Mr. Speaker, on the Amendment, we don't get many benefits in Raccoon Township from the CTA and I don't think we ought to have to pay for it."

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I think one more time we see in this Amendment an effort by the other side to delay, to sidetrack, to wreck any potential solution to the CTA problem. But more than that, I think as a downstater what this Amendment says to us is that we're...Chicago is unwilling to pay anything for the CTA. They want to ship the whole bill to Springfield. And I can't imagine how any downstater can vote for this, given that predicate to the Amendment."

Speaker Ryan: "The Lady from Cook, Representative Currie, to close."

Currie: "Thank you, Mr. Speaker. Members of the House, not true,

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Representative Vinson. We're not talking about a give away program at all. In fact, I would ask you whether your municipality taxes its citizens on any single item they buy in order to support your road program. I would point out to you that when it comes to roads that the northeastern Illinois area, the six county area, receives in return for its direct contributions into its road fund only 56 percent of the benefits. Our mass transit system is very like for our concerns what your road system is to you. And the notion that somehow we are asking for anything for free here tonight is, it seems to me, absolutely erroneous. My attempt with Amendment #5 to House Bill 743 is to rectify a mistake, a serious mistake, a tragic mistake, that this General Assembly made a year and a half ago. We are not talking about a free-for-all for Chicago. In fact, as I pointed out in response to Representative Telcszer, I have introduced legislation that would try more sensibly to restructure the financing for regional mass transportation than the Governor's present proposal does. When it comes to Representative Macdonald's concern, the issue is not taking away dollars that the RTA area now needs. The issue before us is how we can restructure financing for the regional mass transit system which is vital to the economic health of the State of Illinois and in which there can be shared responsibility and a fair, even, equitable basis for funding that system. So that conflicts between DuPage County and the collar counties, between DuPage, the collars and the city of Chicago no longer will rip us apart, will tear us asunder, but in fact, will be able to help us all work together to see to it that we have in fact a regional mass transportation system. I urge your support for Amendment #5 to House Bill 743. It's time to end a regressive sales tax applied disproportionately in the city

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of Chicago. This is not a solution to the problems of financing the RTA."

Speaker Ryan: "The question is, 'shall Amendment #5 to House Bill 743 be adopted?' All in favor will signify by saying 'aye'. All opposed 'no'..."

Currie: "Roll Call. Roll Call."

Speaker Ryan: "Did you wish a Roll Call vote on this, Representative?"

Currie: "Yes, Mr. Speaker."

Speaker Ryan: "All those in favor will signify by voting 'aye'...Representative Telcser, do you seek recognition?"

Telcser: "No. Representative Peters did. Representative Peters."

Speaker Ryan: "Peters."

Peters: "No. Mr. Speaker, I just wanted to join with Representative Currie in asking for a Roll Call on this. This is going to be a nice one."

Speaker Ryan: "All those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. The Gentleman from Cook, Representative Peters."

Peters: "Mr. Speaker, just in terms of explaining my vote, I think it is interesting to see who is voting 'no' and who is voting 'yes' on this and I think that's going to give some indication of where we're going to end up on this when we get the real package."

Speaker Ryan: "On this issue there are 34 voting 'aye', 115 voting 'no'. Did you want to be recognized, Representative Madigan? On this issue there are 34 voting 'aye', 115 voting 'no'. And this Amendment is lost. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Braun..."

Speaker Ryan: "Just a minute, Mr. Clerk. I'd like to just inform

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the Body that we're now on Amendment #6. There are 71 or 72 Amendments on this Bill and if you continue at this rate we'll be out of here by dawn, Thursday. Representative Madigan?"

Madigan: "Mr. Speaker, in light of the number of Amendments filed, I would simply suggest to you that we set a reasonable deadline for work tonight so that when we return tomorrow, why, we'll be prepared and ready for further debate."

Speaker Ryan: "I'll certainly give that every consideration, Representative Madigan."

Madigan: "Oh, I know you will, yes."

Speaker Ryan: "Further Amendments?"

Clerk Leone: "Floor Amendment #6, Braun-Alexander, amends House Bill 743 on page five, line 22 and so forth."

Speaker Ryan: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment simply clarifies that the TFA will be a fiscal and financial oversight Committee and will not have the authority to determine bus routes and the like, matters pertaining to the indigenous operations of the CTA. It came about as a result of circumstances that we found in which the RTA, which was also limited by law, would make decisions about actual where a bus should go, where a line should be, whether a bus shelter should be up and pass those suggestions along to the CTA in such way as to indicate that if the CTA didn't go along with what the RTA wanted them to do, then there would be some difficulty with the funding. All that this language does in Amendment #6 is clarify that the CTA shall be responsible for internal operations while the TFA retains all of its financial oversight jurisdiction. I call...I encourage an 'aye' vote."

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Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Well, Mr. Speaker, Members of the House, just as a portion of a prior Amendment did, Amendment #6 gets to the heart of the controversy regarding mass transportation in northern Illinois. Amendment #6 would completely strip away the authority for the TFA to have any degree of accountability whatsoever regarding the operations of the CTA. It seems to me that the crux of the issue from both points of view, in varying degrees, is how much accountability will the Chicago Transit Authority have to an outside entity, in this case, the TFA? I don't think that anyone denies the fact that the public wants more accountability for the money that's spent by the Chicago Transit Authority and the money that's passed through to other agencies, via the Regional Transportation Authority. The Bills which were introduced represent a sincere, honest effort to set up a system whereby there is some check and balance regarding the expenditures of the Chicago Transit Authority and other authorities. The Bills as introduced for some Members are too stringent. For others, not stringent enough. I believe that once we can reconcile those differences and meet somewhere in middle ground regarding accountability for the Chicago Transit Authority, we will have made the first giant step forward toward resolving the terrible dilemma wherein regarding mass transportation in Illinois. And yet, the Sponsor of Amendment #6 now comes to the Assembly and asks that we give up completely, that we give up completely any concept of accountability the CTA would have to an independent agency, if you will. I believe that if Amendment #6 were to be adopted, it would destroy all possibility, all possibility of further negotiation and further ability to reconcile differences among Members of the Assembly.

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Amendment #6, I'm sure, is well intentioned by the Sponsor. However, Mr. Speaker and Members of the House, I believe that every citizen of Illinois and as I said earlier, perhaps even more so the citizens of Chicago, who are paying high fares, who are paying a sales tax, who want more than anyone else to know why mass transportation is always in trouble. It's politically expedient for the people in my part of the state to pass the buck to a Governor or pass the buck somewhere else, or have the Legislature solve the problem but that isn't going to be the ultimate long-term answer. The time for political buck passing is over. The time has come for everyone in this Assembly to stand up and make the right courageous decision. I really doubt that the majority of the Members of this House are willing to continue to give the Chicago Transit Authority a free ride, so to speak, carte blanche, an open check to keep spending the money the way they have in the past. There's a lot of disagreement about consultants, about jobs, about cola contracts, some of which may be true and others which, I'm sure, are not true. I don't know what the allegations that some of the people are making from other parts of the state, about the CTA are true. Whether or not they're true is beside the point. As a Chicagoan who is deeply interested in the vitality of mass transportation, I'm not afraid to have an outside Board act as a check and balance to the Chicago Transit Authority's spending. I welcome that and I encourage that. But Amendment #6 would decimate any ability for the TFA to hold the Chicago Transit Authority accountable for the way in which they spend their money. And it is for these reasons, Mr. Speaker, that I rise to oppose Amendment #6." Speaker Ryan: "The Gentleman from McHenry, Representative Hanahan. The Lady from Cook, Representative Braun, to

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close."

Braun: "Thank you, Mr. Speaker. Mr. Telcser, I can't imagine, if you take a look at the actual language of this Amendment and what is already in the Governor's Bill, that you could conclude that this is anything but an accountability Amendment. All this Amendment does, the Bill already, the Governor's Bill, already makes it clear that grant recipients are enable to determine their own fares and level of services. I refer you to page 10, line 67 of the Governor's Bill. All that this Bill (sic) does is restore some level of local controls so that we are not forced to go way...to a Board that's further away from our home with regard to matters like bus shelters, bus routes, lines and internal decisions within the CTA. That's all this Amendment says. That's all this Amendment does. And I would strongly encourage Representative Telcser, that you not cast down the goblet and open the floodgates on every simple Amendment that comes before this floor, because like the chicken that said the roof was falling in, after a while, people are not going to believe it any longer. Read this Amendment. This Amendment doesn't do the things that you suggest that it does. It is a relatively simple Amendment that gives individuals, people within a community some voice over where buses shall go, where bus shelters shall be, where local operations are. It does not go beyond the language of the Governor's proposal and serves merely to clarify it. And I encourage an 'aye' vote on this Amendment, which to my mind and if you take a look and read it....I know you've got a lot of paper on your desk, but read the actual language of this Amendment. It should be clear to anyone and I think this is an accountability Amendment and I encourage your 'aye' vote."

Speaker Ryan: "The question is, 'shall Amendment #6 to House Bill

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743 be adopted?' All in favor will signify by saying 'aye'... The Gentleman from Cook, Representative Peters." Peters: "Mr. Speaker, I'd ask for a Roll Call vote on this. This is another one we're going to be very interested in."

Speaker Ryan: "Okay. The question is, 'shall Amendment #6 to House Bill 743 be adopted?' All those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 49 voting 'aye' and 102 voting 'no'. And the Amendment is lost. Further Amendments?"

Clerk Leone: "Floor Amendment #7, Braun-Alexander, amends House Bill 743 on page 42, line 11 and so forth."

Speaker Ryan: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment does go to changing the heart of the Governor's Bill, unlike the last one, Representative Telcser. What it does is, it provides for a uniform tax rate within the County of Cook. It abolishes the distinction among the various portions of the county so that we can make clear that the entire County of Cook benefits from the operation of the system and that the citizens within that county should not be...there should not be an unfair, inequitable discrimination among and between the citizens of the same county."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, Amendment #7 as I understand it says that the tax, the sales tax, would be uniform throughout the County of Cook and again, the language repeats the same, 'uniform throughout the County of Cook'. What the Lady is driving at, I believe, is to establish a uniform sales tax throughout Cook County. Now, I don't know if she wishes to increase the sales tax from a

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half cent to one cent in suburban Cook County or to reduce the sales tax in the city down to a half percent from the one percent. And, or to increase it in the suburbs, the converse of that. The way the Amendment is drafted, I think that leaves that question open regarding the uniformity of the tax and so I'm really not quite sure what to do. As Representative Peters just said, he's in a quandary over the Amendment. Now if we reduce..if it is your intention to reduce to one-half percent the existing sales tax in the city of Chicago, I think that's a fine idea. Because I agree conceptually that the sales tax is the most difficult tax of all for people to pay.. But I simply state the position I've always taken on this issue, that in doing so we have to then be responsible and discuss a corresponding increase in some revenue source to make up for those lost revenues.. If the Lady is asking in her Amendment that we increase, that we increase the tax in the suburbs from a half percent to one percent, I again say and I'm sure to consternation of my suburban colleagues, that I happen to think that's a rational idea because somewhere in the future someone with some courage is going to have to understand that the city's tax base is going to have to be broadened to the adjacent suburban area. Now if the Lady wants to raise taxes, then I think we ought to know that. If she wants to reduce taxes in part of the county, I'd like to know what corresponding revenue source she's going to look to to replace the lost revenue so that we could have mass transportation particularly for the inner city in Chicago."

Speaker Ryan: "The Gentleman from Cook, Representative Kociolko."
Kociolko: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I believe that this Amendment represents the true spirit of mass transportation as seen by the political

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leadership of the City of Chicago in its most brazen form. There are elements for the political leadership of the Chicago who have always seen the RTA as being a vehicle for siphoning tax dollars out of the suburbs and the collar counties into the City of Chicago, and I believe that the people who live in the suburbs and the collar counties are no longer willing to tolerate a situation in which they are called upon to subsidize the waste and the inefficiency of the CTA. I strongly encourage a 'no' vote on this Amendment."

Speaker Ryan: "The Gentleman from Cook, Representative Meyer."

Meyer: "Mr. Speaker, Ladies and Gentlemen of the House, this Amendment that would put a uniform tax throughout Cook County is one that I may be able to support if the Sponsor would be willing to amend it to add that throughout Cook County we will get uniform transit service the same as they are receiving in Chicago with a bus stop and a bus running at every block. If that's the case and she will amend this, I will support it."

Speaker Ryan: "Any further discussion? The Lady from Cook, Representative Braun, to close."

Braun: "Thank you, Representative. I would be delighted to explore that alternative with you if you will take the population concentrations that we have in Chicago out in your community in the suburbs. We will be delighted to work together...I would be delighted to work with you toward that end."

Speaker Ryan: "The question is, 'shall Amendment #7 to House Bill 743 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. The 'nos' have it and the Amendment is lost. Further Amendments."

Clerk Leone: "Floor Amendment #8, Braun-Alexander. Amends House Bill 743 on page 34, line 28 and so forth."

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Speaker Ryan: "The Lady from Cook, Representative Braun, on Amendment #8."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to start off by saying this is a purely partisan Amendment. This Amendment will expand the transitional authority and add to that authority the State Comptroller and the State Treasurer as members. It also raises the number of members on the Board. The point needs to be made, Mr. Speaker, Ladies and Gentlemen of the House, that we are talking about transportation affecting the City of Chicago and I think it is fair and simple justice and equity to suggest that the people who live in the City of Chicago have proportionate representation on any transitional Board, any permanent Board of this new TFA. Right now, the way the plan is constructed, there is a majority of people representing areas other than the city of Chicago who are not Democrats. This would change that formulation."

Speaker Ryan: "The Gentlemen from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, I rise in opposition to the Amendment. It may be partisan in nature, but the problem with this Amendment is questionable under the Illinois State Constitution. It's questionable because of the fact that the State Constitution specifies the duties of the various officials and under that it does not include these respective duties. Furthermore, it places the State Treasurer in a posture in which he may find himself in a conflict of interest because of the duties that he will have to perform in regards to the oversight of state funding. And, Mr. Speaker, on that basis, I would oppose this Amendment and suggest to the Lady that she withdraw the same."

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Braun: "Mr. Speaker, I'm willing to withdraw this Amendment."

Speaker Ryan: "Lady withdraws Amendment. Further Amendments?"

She withdraws Amendment #8. Further Amendments?"

Clerk Leone: "Floor Amendment #9, Braun-Alexander. Amends House Bill 743 on page three and so forth."

Speaker Ryan: "Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker. For all of you who are excited about the notion of local control, you'll love this Amendment. It will allow for the Chicago, the CTA, to opt out of the R... TFA on the same grounds as the collar counties are now permitted to opt out under the Governor's Bill."

Speaker Ryan: "Is there any discussion on Amendment #9? The Gentleman from DuPage, Representative Daniels."

Daniels: "Well, Mr. Speaker, would the Lady withdraw this one? Well, Mr. Speaker, Ladies and Gentlemen of the House, we all know why we're here. We're here because the crisis brought on by the uncontrolled CTA deficits. We're here because of the problems that we have been faced with in the various CTA problems throughout the City of Chicago. This Amendment would go the very heart of the problem of the CTA in allowing the CTA to opt out of the very system that the legislation attempts to set up as an oversight. And specifically, Members of the House, pay clear attention to this one because if this is adopted and the CTA is allowed to opt out then we find ourselves in a posture of making a sham of this House, in effect, and the Study Commission that we enacted in order to look at the various problems of the CTA. In the Amendment of the Section of the Collar counties Transit Assistant Act, it adds the one-third operating costs subsidy through the state funding mechanism. But, Ladies and Gentlemen of the House, it's just to you that the very fact that the Ewing Commission

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has studied and found out the deficits that exist in the CTA would be enough to stop us from granting the one-third of the operating cost until such time as the CTA itself brings its operation under control. For those reasons, I would suggest strongly to you that we oppose this Amendment."

Speaker Ryan: "Is there any further discussion on... Oh yes. There's a lot here. The Gentleman from Cook, Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, at some point we must come face to face with the realities of life and they are very simply that the citizens of the City of Chicago pay a disproportionate amount of taxes to the road fund. They pay a higher percentage of their... the cost of basic transportation, and every Amendment that we seek to put on the Bill that will allow us either representation or equity or parity is somehow bad. Now, I suggest to you that those of you who aren't aware of this problem don't understand the financing that goes on. First of all, all of you from downstate talk about the city transportation problem but you, as members of downstate, get your kids transported free under the education budget. This is not allowed for the citizens of the City of Chicago. Our kids have to pay and yours don't. Now you're going to ask us to raise the basic fare for going to school, transportation for the kids, so that we have to pay additional funds and you don't. Now this is unreasonable. It's no reason under the sun why we should have a provision in the Educational Statute that would allow you to use the cost of transportation as one of the ingredients to figure your reimbursement. We don't have it. When we ask for the right to say, 'Well if we could perhaps even keep a proportion of the money that we pay'. We, in the City of

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Chicago, pay a disproportionate amount of money to the road fund, but yet you call it your road fund. When we ask for representation you say there will be no representation. When we ask for a simple provision to opt out, you say we ought not opt out. Now I suggest to you that if it's fair to the Members of the collar counties, if it's fair to DuPage, Will and the others to have an opt out provision then certainly it's fair for the City of Chicago. And I suggest it's a very reasonable approach. It shows that you're sincere and at least you want to do something on an equitable basis because we cannot have this type of equity prevail where we don't even have a voice on the Board. We have nothing to do with anything. We're going to have super-imposed on us a massive and colossal state government that's going to dictate transportation. What would you say if we said, 'Let's transfer the entire problem to the Federal Government'? You would join your President and say we're going to give the power and the force of authority back to the people. What we're simply suggesting that you allow the people in the City of Chicago the same opt out provision. It's a fair Bill, a reasonable Bill and there can be no reasonable or fair arguments against it. And so far I have heard none."

Speaker Ryan: "The Gentleman from Wayne, Representative Robbins."

Robbins: "Question of the Sponsor."

Speaker Ryan: "She indicates she'll yield."

Robbins: "Ma'am, if we vote for this Amendment, will you amend it on the face to opt the rest of Chicago out of the State of Illinois so we don't have to pick this up?"

Wraun: "Mr....In response to your question, sir, which I don't think was serious, this Amendment... This Amendment will allow for the City of Chicago to opt out of this authority and will relieve you of any responsibility for paying for

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that part of mass transit. We would be able to handle our own problems, but I submit in response to some statements made earlier that the deficit that we're eluded to are not the deficits of the CTA as much as they are the deficits of the RTA. And the fact of the matter is that the CTA rider is subsidized at a lower rate than riders on other parts of the systems like, for example, the commuter rail. So this suggests that the CTA ought to have the option, it does not require them to do so, but ought to have the option to opt out of this TFA system and run its own buses and things."

tobbins: "Ma'am, I have another question. If you don't... If you... I was very serious in what I said. If you don't want to consider that, would you consider putting someone from Wayne County on the RTA Board?"

Speaker Ryan: "The Gentleman from DeWitt, Representative Vinson."

Braun: "Where is Wayne County?"

Vinson: "Mr. Speaker, I move the previous question."

Speaker Ryan: "Gentleman moves the previous question. All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and the previous question's moved... prevails. The Lady from Cook, Representative Braun, to close."

Braun: "Thank you very much, Mr. Speaker, Members of the House. If you are serious about local control, if you are serious about local financing, then you will vote for this Amendment. This Amendment simply gives to the CTA the authority that is being given to other parts of the TFA system, that is, to opt out of this system if and when it decides in concurrence with the City Council that the system has become unworkable for Chicago. It will relieve you of the responsibility that I've heard complained of all day of paying for Chicago transit. There are those of us who are convinced we can pay for it ourselves. This Amendment would give us the opportunity to make that

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decision. I encourage your 'aye' vote."

Speaker Ryan: "The question is, 'shall Amendment #9 to House Bill 743 be adopted?'. All in favor will signify by saying 'aye', opposed by saying 'no'. The 'Nos' have it and the Amendment is... You want a Roll Call on this, Representative? Certainly your right. Representative Peters, you..."

Peters: "I join Representative Braun in asking for a Roll Call."

Speaker Ryan: "The question is, 'shall Amendment #9 to House Bill 743 be adopted?'. All in favor will signify by voting 'aye', those opposed by voting 'no'. Do you seek recognition, Representative Bullock?"

Bullock: "Yes, Mr. Speaker, since you won't recognize me with my light, maybe you can recognize Representative Alexander."

Speaker Ryan: "I just recognized you, Representative. Is that what you wanted?"

Bullock: "Absolutely."

Speaker Ryan: "Well, you have the floor, Representative. The Lady from Cook, Representative Stewart."

Stewart: "Thank you for finally recognizing me, Mr. Speaker. I think this Amendment offers those the opportunity to allow Chicago what they want to allow themselves. We always hear a lot of talk about local control and the like. We want to make sure that the suburban areas have the option that they can exercise to opt out of this. I think that the City of Chicago should be allowed the same option."

Speaker Ryan: "The Gentleman from Cook, Representative Huff."

Huff: "Thank you, Mr. Speaker. I think we see here, Mr. Speaker and Ladies and Gentlemen of the House, the big line effect operating here. We had testimony previously that Chicago is the bad boy in this situation and now we come up with a reasonable Amendment asking that Chicago be given the option to pull out as is existing with the other six collar

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counties and yet, we see that request, that very reasonable request being denied. It leaves me to ask, 'Is Chicago going to be helped as chattel, a very cheap chattel at that?'. At this point, Mr. Speaker and Ladies and Gentlemen of the House, I have no other course to 'depart' from any other considerations of any other consideration of this Bill if it's to pass."

Speaker Ryan: "Lady from Cook, Representative Alexander, to explain her vote."

Alexander: "Mr. Speaker and Members of the House of Representatives, I've sat here and patiently listened to this farce regarding mass transportation and I'd like to speak to all of you with regards to this Amendment which I've Cosponsored with Representative Braun. I've heard for the last two days that Chicago is a culprit of the system, that everybody across the state is supporting the Chicago transit or CTA lines. Yet and still when we come before you with a reasonable Amendment asking you to at least give us the option to opt out as we have given you in the prior Motions and Amendments that have come across this floor, I'm wondering why we don't have more green votes up there. It in no way affects you other than perhaps Chicago is really the place that is financing the mass transportation across the State of Illinois."

Speaker Ryan: "The Gentleman from McLean, Representative Bradley, to explain his vote."

Bradley: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I can't understand for the life of me some of the red votes up there from downstaters. Representative Ewell has not made his famous speech yet about the creeps... the creeks and the rivers that those people in Chicago generally support us in downstate Illinois when we find a need for state funds to dredge, to remove, to redirect, or

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whatever it might be with our streams, with our lakes. I think it's about time that we have the opportunity which we do now on this vote to support Chicago as they supported we in downstate Illinois on so many occasions. For the life of me, I can't understand some of the downstate Democrats for not doing something in helping Chicago in a vote that seems to me to be very fair in giving them the same opportunity to opt out that we are giving the other counties to opt out if they so desire. I'd certainly like to see a few more of those votes that were red from downstate, at least from the downstate Democrats, to switch over to green and support this Motion. Something that seems to be very reasonable, equitable and in all sincerity, very fair. Thank you."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 83 voting 'aye', 82 voting 'no'. Representative Bowman, do you seek recognition? Record Representative Bowman as voting 'aye'. On this issue... On this issue there are 84 voting 'aye', 82 voting 'no' and the Lady's Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #10, Smith. Amends House Bill 743 on page 11, line 22 and so forth."

Speaker Ryan: "The Lady from Cook, Representative Smith, on Amendment #10."

Smith M.: "Mr. Speaker and Ladies and Gentlemen, first I would like to request permission to amend on the face the word 'shall' to 'may'."

Speaker Ryan: "The Lady asks leave to amend House Amendment... Amendment #10 to House Bill 743 on its face. Are there objections?"

Smith M.: "I so move, Mr. Speaker."

Speaker Ryan: "Now she moves. The Lady moves to amend House Bill

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743, Amendment #10 on its face on line four, the word 'shall' to 'may'. Is that correct?"

Smith M.: "Yes, sir."

Speaker Ryan: "All in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it and the Amendment is.... changed on its face."

Smith M.: "Thank you."

Speaker Ryan: "Proceed, Representative."

Smith M.: "This Amendment provides that the authority may require grant recipients like the CTA to establish special zone rated fares on selected short distance routes to passengers who do not wish to purchase a transfer. This Amendment would allow the CTA and other carriers to set special rates for passengers who board a bus only to go a short distance. Rates for CTA routes may be similar to the rates commuter rail passengers when they pay the CTA buses from the rail terminal to the Loop for the fare that is less than paid by passengers on the regular CTA routes. This Bill... This Amendment, should I say, would help to serve the community. It is a very popular plan and I would like to say that we've been talking all day about revenue and this would add revenue to the community and to the CTA Board and to the authorities. And, so I'm asking at this time if you'll please give me a favorable vote by voting for this Amendment."

Speaker Ryan: "Any discussion? The Gentleman from Cook, Representative Telcser."

Telcser: "Will the Sponsor yield?"

Speaker Ryan: "Indicates she will."

Telcser: "Representative, is the essence of this Amendment to give the CTA the opportunity to opt out of this system?"

Smith M.: "No."

Telcser: "I'm sorry. Thank you."

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Speaker Ryan: "Gentleman from Henderson, Mr. Neff.
Representative Neff."

Jeff: "Mr. Speaker, I'd like to have permission for an introduction. Representative ... ex-Representative Paul Randolph is on the floor and I would like to see him recognized. Paul."

Speaker Ryan: "Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, I rise in opposition to Amendment #10. What this Amendment does is it places an authority over the CTA. In essence, it says the TFA may require grant recipients to provide special reduced zoned fares. Now it's inconsistent to me and rather surprising that somebody who supports the CTA would want the TFA to be telling the CTA what to do after that very Legislator supported the opt out provision of the CTA. Furthermore, there's some problem with the question of the transfers that the Lady has set forth in her Bill, and in fact, it may require that a person who must pay the full fare twice to go to a short distance in this particular legislation the way it's set out. Ladies and Gentlemen, what this Amendment will do is the TFA could have the authority over the CTA instead of the CTA possessing the authority that it possess' right now, and I would think that you, those of you from Chicago, would not want that to happen."

Speaker Ryan: "The Gentleman from Cook, Representative O'Brien."

O'Brien: "Yes, Mr. Speaker, will the Sponsor yield to a question?"

Speaker Ryan: "She indicates she will."

O'Brien: "Representative Smith, is it your intention by this Amendment to see to it that someone that perhaps travels a mile on the CTA would pay a smaller amount of money because of the service that they're using on the CTA in traveling that mile than those who are traveling seven or eight miles

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on the CTA system within the city of Chicago?"

Smith M.: "That's right, Representative O'Brien."

O'Brien: "Representative, let me ask you a question then. If I was a senior citizen and I lived on Ashland Avenue and I wanted to go four blocks or five blocks north on Ashland Avenue and then get a transfer and go east on Montrose to a grocery store which would mean that I would be traveling five blocks on Ashland north and three blocks east on Montrose which would be a total of one mile. Would I be ineligible for the zone fare or the reduced fare because of your transfer position in the Amendment which provides that anybody that takes a transfer is not eligible?"

Smith M.: "Representative O'Brien, the Amendment that I offered is merely for routes that are already operable. They are straight routes and short distance and I can give you examples. If you wanted to transfer on this particular route, you would have to pay the larger price. This is only for a certain area of short routes that are already operable that would take you straight on that line."

O'Brien: "Well then, Representative, what you're saying is that if I got on the bus on Ashland Avenue, I would have to pay the full fare or the zone fare at that level, travel five blocks and then when I got on the bus going east on Montrose I would have to pay the zone fare or the short fare again."

Smith M.: "This is not designed... This Amendment is not designed for any transfers. If you want a transfer, that means that you go the ride further and that you are going to pay more money. This is for people who are living in short distances going, traveling maybe from their home to a grocery store or to their church or something within the community where they're going to go straight. And it is just like the shuttle that the people come in off the buses

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or the train's downtown and they can get every morning and they get a shuttle fare that's a reduced fare. The same thing would happen in these communities. Everyone in the city of Chicago, all across the city already have these services in operable service. It is just a matter of saying to the people who live in their community that you will be able to ride short distances at a lesser fare. We are losing revenue, the CTA, the people are losing revenue today because people are not able to pay this 80 cents but they only want to leave their house and walk over to a main thoroughfare where this bus is running and go to their store, get their groceries and go back home. The stores, the shopping centers, the churches and all are losing because these people do not have money to pay that high price. But if they could use, get a cheaper price you would realize more revenue in our communities and that's why I'm offering this Amendment."

O'Brien: "Mr. Speaker, may I speak to the Amendment, please?"

Speaker Ryan: "Proceed, Representative."

O'Brien: "Mr. Speaker and Members of the House, I rise in opposition to the Amendment. I don't believe that the Sponsor is accomplishing actually what she set out to accomplish. What we are trying to do is institute a zone fare system on the transit authorities within the Chicago land area and whether or not you travel one mile on a straight route down Ashland Avenue or down California or you travel four blocks down Ashland and four blocks down Montrose, you are still traveling that one mile and should be eligible for the zone fare or the reduced rate. Under this Amendment, you will be tying the hands of the CTA in relation to implementing a zone fare and you are not accomplishing, Margaret, what you have set out to accomplish. If you could purely take out the word

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'transfers', I would be in support of this Bill, but right now I cannot be in support of it and I have had lengthy discussions with Representatives from the transportation authority and Gene Barnes and many of you know that House Bill 222 that I introduced does implement the zone fare system. So, Margaret, what you are trying to do you are not accomplishing by deleting those people that would qualify for a transfer on their way to church or on their way to the grocery store. So as long as 'transfer' is in there, I do not think that you're accomplishing what you want and I have to rise in opposition to the Bill. Thank you."

Speaker Ryan: "The Gentleman from Cook, Representative Abramson. Abramson, do you seek recognition? Gentleman from Cook, Representative Peters."

Peters: "Mr. Speaker, Ladies and Gentlemen of the House, I think one of the things that eventually will have to come to the operation of the city of Chicago is a reduced zone fare kind of system as is being advocated by Representative Smith and is also being advocated in his legislation by Representative O'Brien. But I have to agree with Representative O'Brien that because of the wording of this Bill, Mrs. Smith, you do not accomplish what you want to accomplish. I, for one, would end up supporting you if you talked about a zone fare situation, but when you start putting in the word 'transfers', if an individual in the city of Chicago and I'll give you an example. My mother is a senior citizen and if she goes shopping she cannot get to a shopping area unless she transfers and that's only within eight or nine blocks of her house. She cannot take one bus to the shopping center so what she would have to end up doing is either pay the full fare and take the transfer or pay twice in which case it would cost her more money.

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You're concept is right and I think what you want to do is correct. I think, however, that by, as Representative O'Brien indicates, by putting in the word 'transfer' here you don't accomplish what you really want to accomplish which I think is a good idea. Hopefully, this is defeated or you withdraw it and maybe get another one drawn up which does what you want it to do."

Speaker Ryan: "The Gentleman from Cook, Representative Levin."

Levin: "Will the Sponsor yield for a question?"

Speaker Ryan: "She indicates she will."

Levin: "Representative Smith, this is your first term is it not?"

Smith, M: "Yes, sir."

Levin: "And is this your first speech you've made on the floor of the House?"

Smith, M: "Yes."

Levin: "I think you've picked an important issue and I intend to vote for your Amendment."

Smith, M: "Thank you, kindly. Thank you."

Speaker Ryan: "Gentleman from Cook, Representative Jones."

Jones: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of Representative Smith's Amendment and I have to disagree with those persons who said this Amendment will not work. The Amendment is a permissive Amendment. We are currently doing exactly that in the city of Chicago. Those individuals who come into the city by way of commuter rail ride the special shuttle bus. When they ride the shuttle bus, they pay a reduced fare. Now if they had to transfer they would pay the full rate. So this Amendment is actually legalizing what is already being done. The only thing that this Amendment does is broaden the prospective wherein the CTA could institute the same type of services in other communities throughout the city of Chicago. This is a very good

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Amendment because, as I indicated previously, those persons who currently come in by way of the northwestern to Rock Island or you name it are automatically paying the reduced fare. Without this Amendment, those individuals may be forced to pay a full fare when they transfer to the transit system in the city of Chicago. So this is a good Amendment. I urge each and everyone of you to support this wholeheartedly because this gets to the crest of the problem. The further you ride, the more you should pay and this Amendment helps those individuals who are only riding a very short distance."

Speaker Ryan: "The Gentleman from Cook, Representative Henry."

Henry: "Thank you, Mr. Speaker. I rise to support Representative Margaret Smith and her Amendment #10 to House Bill 743 for several reasons, Mr. Speaker. Number one, the conversations and the discussions that's been going on here tonight, not very few have dealt with the fact that we have a large population of people living on fixed incomes such as our senior citizens, the persons that are handicapped, the Viet Nam veterans, Korean veteran or a second World War veteran. We have not discussed the fact of the large amount of unemployment in the city of Chicago. You haven't talked about students that must attend the schools. You haven't talked about the mothers who must take their youngsters to a day care center and then proceed to their place of employment if they're lucky. A lot of things that you have not discussed today that Margaret Smith is trying to address herself to. It beholds me to see unfairness from this morning and yesterday even until this afternoon when my colleague, Representative Jones, pointed out to you that unfairness exists on the suburban rails and unfairness exists in the Chicago Transit Authority. I think what Margaret Smith is trying to do is trying to bring equality

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to all of the people of the State of Illinois and especially those who live in the city of Chicago that must use the Chicago Transit Authority, and for that reason, and for that reason alone I support Amendment #10. Thank you very much."

Speaker Ryan: "The Lady from Cook, Representative Braun."

Braun: "Thank you very much, Mr. Speaker. I rise in support of this Amendment. The Amendment would simply allow some flexibility in the system so that the elderly, senior citizens, people who have short distances to go would not be required to pay the same amount of money as would be required to go longer distances within or without the city. I encourage an 'aye' vote on this Amendment."

Speaker Ryan: "Any further discussion? The Lady from DuPage, Representative Karpie, did you seek recognition?"

Karpie: "I was going to move the previous question, sir."

Speaker Ryan: "Well, I think we're through, Representative. The Lady from Cook, Representative Smith, to close."

Smith, M.: "Mr. Speaker, I want to thank you and I ask for a favorable vote."

Speaker Ryan: "The question is, 'shall Amendment #10 to House Bill 743 be adopted?'. All in favor will signify by saying 'aye', all opposed by saying 'no'. The question is, 'shall Amendment #10 to House Bill 743 be adopted?'."

Smith, M.: "Mr. Speaker, I would like to ask for a Roll Call vote."

Speaker Ryan: "All in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 72 voting 'aye', 78 voting 'no' and the Lady from Cook, Representative Smith, has asked for a Poll of the Absentees. Is Representative Carey, what do you..."

Carey: "Something's wrong with the switchboard over here. It

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won't register on the 'yes'."

Speaker Ryan: "Pardon?"

Carey: "It won't register the 'yes' vote."

Speaker Ryan: "Record Representative Carey as 'aye'. Record Representative Bradley as 'aye'. Representative McPike as 'aye'. Representative Wolf as 'aye'. Representative Mulcahey as 'aye'. Representative Mulcahey, you were already recorded. Do you want us to count your vote twice? Representative Getty."

Getty: "Change me to 'aye', please, Mr. Speaker."

Speaker Ryan: "Pardon?"

Getty: "Change me to 'aye', please, Mr. Speaker."

Speaker Ryan: "Record Representative Getty as 'aye'. Representative Ropp wishes to be recorded as 'no'. Representative Vinson, for what purpose do you rise?"

Vinson: "Request a verification if this should seem to pass."

Speaker Ryan: "Gentleman from Macoupin, Representative Bartulis. Record Representative Bartulis as 'no'. Representative O'Connell, for what purpose do you seek recognition?"

O'Connell: "Mr. Speaker, would you please record me as 'aye'?"

Speaker Ryan: "How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'no'."

Speaker Ryan: "Change his vote to 'aye'. Representative Griffin, 'no'. Griffin. Representative Boucek."

Boucek: "Mr. Speaker, would you please record me as voting 'no'?"

Speaker Ryan: "Record the Gentleman as no. On this issue there are 78 voting 'aye', 80 voting 'no' and the Lady persists in her Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Bluthardt. Brummer. Capparelli. DiPrima. Doyle. Epton. Flinn. Hoffman. Jackson. Kulas. Laurino. Martire. McGrew. Oblinger. Pechous. Sandquist. Slape. Stearney. E.G. Steele."

Speaker Ryan: "Gentleman from Peoria, Representative Schraeder.

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How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Ryan: "Would you change his vote to 'aye', please? On this issue there are 79 voting 'aye', 79 voting 'no' and the Amendment is lost. Further Amendments."

Clerk Leone: "Floor Amendment #11, Ebbesen. Amends House Bill 743 on page one, line eight and so forth."

Speaker Ryan: "Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Amendment #11 is... really addresses itself to the short-term interim financing relative to the crisis in the Regional Transit Authority area and I'd just like to, for the benefit of the House Members, remind you that on March 16 that the RTA deferred the April 1 fare increase indefinitely and the RTA also quite some time ago, months ago by Resolution, a unanimous Resolution said that at least 55% of the cost of operation of the RTA should come from the farebox. Now, I'd like to call your attention to the grey covered report we have from our own select House Committee now affectionately known as the Ewing Committee in which going into the Pete 'Marwick' study, they point out in there that the exact point and time that the short-term financial problem result in the shut-down is very difficult to predict and what Amendment #11 really addresses itself to is what people back in your districts have been saying to you; especially downstate Legislators, suburban Legislators what have you is why can't they come up with a reasonable fare as far as the RTA area is concerned. Now, I would call your attention at the fare at 80 cents in the CTA. It has been at a level based on, without going into all of the discussion that took place with our Committee of the Whole in the select Committee of the House, but that's been criticized as having been much

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too low. Now, the fare increases really have not kept pace with the increased cost causing the increases and rather than being kind of an incremental approach over the years which would have been acceptable to the public and the users, it's been rather a traumatic one if you have to take a large increase. Now, it's my understanding that according to our staff that for every nickel increase, nickel increase will generate approximately 2 million dollars additional money each month. Now my Amendment addresses itself to precisely that point. The Amendment really says in essence that the...within one week of the effective date of this amendatory Act, that the authority shall, in other words if the RTA doesn't want to vote for that fare increase and we want it in the fare box then let's legislatively say that we shall have imposed a surcharge. Now I say surcharge because that doesn't mean it has to stay there forever, but of all the fares and amounts that's necessary to produce a basic fare of \$1.25 for all transportation provided by the authority. Now keep in mind that the surcharge will automatically expire upon the expiration of the term of the transitional Board of Directors of the Transit Finance Authority. The idea being that in going nine nickels, from 80 cents to \$1.25, nine nickels, that's going to generate something between 18 and 20 million dollars each month. Now you talk about having, needing an immediate cash flow, that's exactly what this particular piece of legislation, this Amendment addresses itself to. And, I would be...The fact that it has the automatic repealer on it, keep in mind that the Governor's message said that we have a deficit now at the end of the month of March of 70 million dollars, and also that each additional month, each insuing month it will generate an additional 10 million in deficit. Within... With the

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adoption of this Amendment, we would have within four months 72 million dollars to face that deficit and then be generating revenue paid by the users, the users fee, a surcharge of 18 to 20 million dollars a month which would, in plenty of money to answer the particular crisis and would have in no way any effect, in no way any effect in eliminate...They're wondering if I believe this and I've never been more sincere in my life, and I think that we're going to have a large number of affirmative votes up there.

I'd be very happy to respond to any questions."

Speaker Ryan: "The Gentleman from Cook, Representative Leverenz."

Leverenz: "Will the Speaker yield or the Gentleman yield for a few questions?"

Speaker Ryan: "He indicates he will."

Leverenz: "What would the basic fare go up to under your surcharge plan? Mr. Speaker."

Ebbesen: "I'm sorry, I was interrupted here. What was the question?"

Leverenz: "The question was, to what level are you interested in having the fare go up to under your surcharge plan?"

Ebbesen: "Well, the surcharge calls for the... it's my understanding the existing fare is 80 cents for the Chicago Transit Authority as a basic fare. This would increase it to \$1.25 and also within the Amendment whatever method of proper proportion, that represents about a 55.3% increase and every other motor transportation would go up proportionately."

Leverenz: "Would that include the transfer or not include the transfer?"

Ebbesen: "Yes."

Leverenz: "Yes, what?"

Ebbesen: "I missed the question."

Leverenz: "I'll ask it again. Would that include the transfer or

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not include the transfer?"

Sibbesen: "How much is the transfer?"

Leverenz: "Do you know?"

Sibbesen: "No, I don't. I'm asking you."

Leverenz: "What is the basic fare?"

Sibbesen: "Eighty cents. It would be \$1.25 under this Amendment and everything proportionately depending upon the mode of travel."

Leverenz: "Well, then it would be another 10 cents for the transfer taking it to a \$1.35."

Sibbesen: "That would be the situation, yes."

Leverenz: "And what do you think the surcharge will raise in revenue over what period of time?"

Sibbesen: "Well, it'll raise 18 to 20 million dollars a month over and above what the existing fares are generating and you take four months and the existing deficit is roughly estimated at 70 million dollars. Within four months that's cash in hand, you've got somewhere around 75 million dollars."

Leverenz: "How..."

Sibbesen: "In each... yes."

Leverenz: "Now I'm really confused. How long do you think this transitional board will be in place, four months?"

Sibbesen: "Well, it could be four months, five months, six months, eight months."

Leverenz: "What happens... What would happen... How much money would be raised if it was only in effect for a week or two?"

Sibbesen: "Well, I rather doubt if that would occur."

Leverenz: "Would you then estimate under your hypothetical plan of the transition board being in place for four months, would you estimate the reduction in ridership?"

Sibbesen: "Well, I think it's been factored in that each nickel

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generating roughly two million dollars the loss of ridership was factored into this estimate by our staff."

Leverenz: "I understand that for every nickel the fares go up there is a fall out in ridership and I don't think it will produce anything toward the dollar figure that you're talking about."

Ebbesen: "I will repeat what I just said that it's been factored in by our staff that each nickel would generate roughly two million dollars monthly and factored in is the fact there would be a reduction in the ridership as a result of the increase in the fare. But the point is very simply that, you know, not many people here can back up their automobile out of the driveway and drive to work for \$1.25 one way and \$1.25 coming back when you take into consideration depreciation of your automobile, gasoline, oil, insurance and what have you. And, to me, a \$1.25 seems very realistic and a very reasonable figure and what I'm... This really is just saying the surcharge is for the users. The users of the RTA to bail us out of the financial crisis. Not the State of Illinois with 200 million dollars on a loan and we all know through experience that loans are never repaid back to general revenue, and I'm saying it's a users fee."

Leverenz: ":Representative, you're talking about a users fee and you state that those that would have to pay \$1.25 cannot afford to back their car up and go forward for a \$1.25. What percent of those that ride the CTA or any part of the RTA system now do you think own automobiles?"

Ebbesen: "Well, that's probably why they ride the CTA, but the point is you're saying that can they afford to pay the \$1.25 at the wage they have. Most of this... It's my understanding by the testimony I've heard with the select Committee and also the Committee of the Whole that, you

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know, 80% of this are people downtown in the Loop. If that's the case and they aren't paying enough perhaps the employer can pick up some of that by an increase in salary and then reflect it back on what they're selling they're goods for and it still goes back in that geographical area for additional sales tax and additional income tax. No matter how you debate it, it's a users fee and I think it's a very, very fine Republican-Democratic downstate practical approach to a very realistic problem and it's just interim. If you have an automatic repeal on it, it's a surcharge and I don't know how anybody could vote against such as this proposal."

Leverenz: "Mr. Speaker, to the Amendment. I would suggest that the Gentleman has a downstate practical solution with no knowledge to the realities of the people that ride the RTA system in the first place. He would further wreck the employment climate in Cook County especially for the people that do not own automobiles that cannot afford a 50% increase in fares if it was for a week or two, let alone four months and you would totally wreck the employment situation that we have there which is very close to having big problems at this point and time. I would suggest that the Representative would withdraw the Amendment because it is ridiculous."

Sibbesen: "Mr. Speaker, at the appropriate time, I'd like a Roll Call vote rather than withdraw it."

Speaker Ryan: "Let's have a little order in the House if we may. Would the Members be in their seats, please. We've got a lot of work to do here tonight. Lot of Amendments and we're going to be here a long time so you might as well get settled in. The Gentleman from Champaign, Representative Johnson."

Johnson: "Emil, did you have something... Okay. Thanks. We've

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heard now for nearly a week testimony last week of the dire financial condition of the RTA and the catastrophic consequences of the failure of some governmental Body to bail them out of their problems, and now we have the opportunity to let them bail themselves out of their own problems through an appropriate user fee at least until some long term solutions can be arrived at. And yet in spite of all these dire predictions and in spite of the fact that they practically predicted the end of the city of Chicago, which wouldn't be all that bad I guess, if we don't do something they're still turning their back on an opportunity to solve their own problem. I'd suggest to you that Representative Ebbesen's Amendment is... makes a lot of sense. It's feasible, it's realistic just as downstate people and users of the roads pay motor fuel tax as users to fund the roads. I think it's not an inappropriate suggestion and Amendment. As a matter of fact, it's a very good suggestion and Amendment that Representative Ebbesen's brought forth and I certainly urge people who believe the consequences would be so bad, particularly people from Chicago, to vote 'yes' on this very good, common sense Amendment."

Speaker Ryan: "The Gentleman from Lake, Representative Pierce."

Pierce: "Will the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

Pierce: "Yes, Representative Ebbesen, you talk quite a bit about getting the fares up to \$1.25, the basic fare in Chicago, but doesn't your Amendment also provide that proportionately all the fares in the RTA area shall go up in the same proportion to that Chicago increase?"

Ebbesen: "That is right."

Pierce: "Now I understand from Representative Skinner that the northwestern commuters are already paying about 75 or 80%

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of the cost of service. If you're Amendment is adopted, which also affects the suburbs, I know you're prejudiced against Chicago but you'll almost be prejudiced against the suburbs as well because you'll force the suburban fares up by the same percentage and will end up with commuters on the northwestern paying more than the cost of service under this peculiar Amendment. Isn't that correct?"

Ebbesen: "Well, it's been my understanding in living out probably 60 miles away, but the northwestern commuters have always paid more than their fare share, but really what the Amendment does is practically say, 'Look, here is the problem. You're looking for an immediate tranfusion of dollars to rescue us, pick up that 70 million dollars deficit and give you immediate cash in hand of 18 to 20 million dollars a month until we can come up with a reasonable, practical solution on the long-term'. We're talking about interim financing. The end result is to let the users bail themselves out."

Pierce: "You didn't figure the money you're raising in the suburbs. You only figured what you're raising in the city by the nickels. In the suburbs, you're getting the fare up here, they'll be 60, 70 dollars a month to commute and people will start to drive and I think you haven't thought this out because you're not only increasing the CTA fares, you're increasing all the railroad fares to a point even above the cost of service, and you do that in the first paragraph on page 11 of your Amendment. And you didn't point that out in your speech. I know you can get people who hate Chicago to vote for this, but you should have said this Amendment also hates the suburbs, because it's forcing they're rail fares up by the same percentage as the city. Instead of just being biased against Chicago, why don't you say, 'I'm also biased against the suburbs' by this

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Amendment?"

Ebbesen: "Well, Mr.... Representative Pierce, I'll be very happy to say it but you've already said it and if I failed in my original remarks to say that, you've taken the words out of my mouth. It does proportionally increase all of the other modes of getting in and out of the downtown area, as fare as the RTA is concerned. And to me, again, it represents a reasonable, practical approach, and I think it ought to be adopted. And I want to just emphasize to you people who have heard from your constituents, let the people that use it pay for it. Here's your opportunity."

Pierce: "I was asking questions and I had the floor. The Gentleman's giving a speech. At any rate, I want to add this. Under this Bill someone, elderly person that rides six blocks to the grocery store will have to pay \$1.25 immediately. The CTA presently has the highest fares, we're talking about low fares, has the highest fares than any public transportation system in the United States, higher than Washington, D.C. for the basic fare or anywhere else. The northwestern commuters have the highest fares. I think what we're doing here is punitive. We had a 33 and a third percent increase January 1, maybe another increase is in order but not by statutory 'feat', by intelligent planning by the Board that's in charge and not by the Legislature dictating fares. We're not the fare making authority nor should we be and I intend to vote 'no' on this Amendment."

Ebbesen: "Mr. Speaker, I'd just like to respond to the last Representative and I will go to our report here and repeat that if we had been responsible over the years we wouldn't have this problem, and it says right here the fare increases have not kept pace."

Speaker Ryan: "Just a minute here, Representative Ebbesen.

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Representative Jones, for what purpose do you seek recognition?"

Jones: "Mr. Speaker, the Gentleman is out of order.

Representative Pierce spoke to the Amendment. Now, you in turn are letting the Sponsor of the Amendment speak. He is out of order."

Speaker Ryan: "Thank you, Mr. Jones. Proceed, Mr. Ebbesen."

Ebbesen: "Thank you, Mr. Speaker and Emil. I'll quote out of our House of Representatives Select House Committee and this is the report of Pete 'Marwick' that says that fare increases have not kept pace with the increased costs causing the increase to be dramatic rather than incremental. Now, the March 16 deferral of the increase in the fare places this situation as to when they're going to close down more in jeopardy. Here's the opportunity for an immediate transfusion of money..."

Speaker Ryan: "Do you seek recognition, Mr. Pierce? Do you seek recognition?"

Pierce: "Mr. Speaker, I concluded my remarks. I take it there are other people waiting to be heard. Why do you call on the Sponsor of the Bill again to go on ranting and raving against Chicago and the suburbs."

Speaker Ryan: "I thought he was responding as is his right..."

Pierce: "No, no. He wasn't responding. I closed my remarks."

Speaker Ryan: "Well, he'll be through in a minute. Proceed, Representative Ebbesen."

Ebbesen: "Mr. Speaker, whomever else has questions, I'll be glad to try to respond."

Speaker Ryan: "Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I rise to oppose Amendment #11 for two reasons. In the first instance,..."

Speaker Ryan: "Do you seek recognition, Representative Jones?"

Jones: "No. Let the Majority Leader speak."

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Speaker Ryan: "Alright. Proceed, Representative Telcser."

Telcser: "In the first instance, the abolition of the authority to issue bonds will prevent the necessary bridge loans by taking away the TFA's power to issue bonds and issue notes in order to do that interim financing between the creation of the authority and the time it's in place. Secondly, it could also impair existing indebtedness which the RTA currently has which is backed by the faith of the bonds. Additionally, let me make the point which some others may have made and that is that the increase surcharge would add not only an increase in the fares upon the citizens in the city of Chicago but would also add, in my view with this proportionate increase, to the people who use the commuter roads to come into Chicago to work everyday. And it's for these reasons that I oppose Amendment #11."

Speaker Ryan: "The Lady from Cook, Representative Stewart."

Stewart: "Mr. Speaker, Ladies and Gentlemen of the House, I rise to oppose Amendment #11. I think it's clear in the mood of the House tonight that there is simply no appreciation for the city of Chicago, the surrounding areas, the taxes we pay and the hardships that are... face the people of Chicago as they face most people who inhabit older cities of the northeast. However, Mr. Ebbesen, are you aware that increased fares also result in increased ridership 'patrician'? How in the world do you expect to make up the amount of money you claim will make up... made up when you have reduced ridership? Also, I'd like to ask you a question. What percentage of the operating costs of whatever buses you have in DeKalb County does your farebox yield?"

Ebbesen: "Was that a question?"

Stewart: "Mr. Speaker, that was a question."

Ebbesen: "May I respond?"

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Speaker Ryan: "Proceed, Representative."

Ebbesen: "Well, first of all, I did indicate in my earlier remarks that our staff says that factoring in the loss of ridership due to increased fares proportionately will still yield roughly two million dollars..."

Stewart: "That wasn't my question, Mr. Sponsor."

Ebbesen: "Okay. What was the question?"

Stewart: "My question is, what percentage of the operating costs of whatever mass transportation your DeKalb has does the farebox yield? Is it anywhere near 50%?"

Ebbesen: "Well, it would be... mass transit in the city of DeKalb is paid 100% by student fees at the University, so out of the farebox."

Stewart: "Well, I suppose we could have the University of Chicago or 'Circle' or Chicago State pay for transportation in the city of Chicago, however, the situations are not analytic, and I would suggest that your Amendment simply does not fit the situation. It is totally ridiculous, in fact, and I'd urge a 'no' vote."

Speaker Ryan: "Representative Bower."

Bower: "Mr. Speaker, I move the previous question."

Speaker Ryan: "Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the previous question's adopted. The Gentleman from DeKalb, Representative Ebbesen, to close."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, in closing I think enough has been said. I just would like to respond very briefly to the distinguished Majority Leader, Representative Telcszer. But the bridge loan, you know, the idea behind this is to eliminate that whole bond section. That's what it does. We don't need that 200 million. We can get it this way and it replaces the 200 million and it makes the surcharge automatic repealer at

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the proper time when enough money has been generated and it's a users fee. Here's your opportunity. I'd appreciate a favorable vote."

Speaker Ryan: "Question is, 'shall Amendment #11 to House Bill 743 be adopted?'. All in favor wil signify by saying or by voting 'aye', all opposed by voting 'no'. Gentleman from Cook, Representative Jones, to explain his vote."

Jones: "Yes, thank you, Mr. Speaker. I join with the Majority Leader in rejecting this Amendment. I don't know whether the Sponsor of this Amendment got it from his distinguished Governor and the click of four trying to raise the fares..."

Speaker Ryan: "Representative Ebbesen, for what purpose do you rise?"

Ebbesen: "Yes, he spoke in debate. He cannot explain his vote."

Speaker Ryan: "Representative Jones, would you explain your vote, please?"

Jones: "Yes, thank you, Mr. Speaker. I don't know why the Sponsor of this Amendment going to join with the Governor and rape the people of the city of Chicago charging \$1.25 to \$1.50 for a fare. I respect the Majority Leader on the other side of the aisle who are concerned not only about the people downstate, but the people across the entire state. This is a ridiculous Amendment and it should have been withdrawn. I should be defeated. At least you have one person on that side of the aisle who is concerned about the welfare of the people and reject this sort of nonsense."

Speaker Ryan: "The Gentleman from Lake, Representative Deuster, to explain his vote."

Deuster: "Well, Mr. Speaker and Ladies and Gentlemen of the House, this is not nonsense at all. The Chicago Tribune in the Sunday edition had an excellent article about Chicago's

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mass transit crisis and it said one of the reasons that we're in the crisis is because the fares should have been raised and it says, under pressure from Mayor Byrne, the RTA Board 'recended' a 20% fare increase scheduled for April 1, and under pressure from the Legislature. Listen to this all you that weren't involved in putting the pressure on. It said, 'under pressure from the Legislature it also 'recended' a fare increase sceduled for August, 1 of 1980. This is our opportunity to indicate to the Chicago Tribune that whoever's blaming the Legislature for pressuring the RTA not to be financially responsible and raise their fares. If you vote green up there you show that we in the Legislature are trying to encourage them to increase their fares so that we can avoid this crisis in the manner suggested by Representative Ebbesen. I would urge more green votes."

Speaker Ryan: "Gentleman from Cook, Representative Henry, to explain his vote."

Henry: "Thank you, Mr. Speaker. I think the assistant Minority Leader covered the aspects of the argument that I was going to give and I will vote 'no'."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 70 voting 'aye', 81 voting 'no', 1 voting present and the Amendment is lost. Further Amendments?"

Clerk Leone: "Floor Amendment #12, Levin-Leverenz. Amends House Bill 743 on page ten and so forth."

Speaker Ryan: "Gentleman from Cook, Representative Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, this Amendment was requested by the Auditor General. It simply clarifies the authority of the Auditor General to do audits of entities entering into purchase of service or grant agreements with the TFA. It is meant to deal with a

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situation that came up recently where two bus companies initially refused to allow the Auditor General to audit them despite the fact that they were purchasing service agreements with the RTA."

Speaker Ryan: "Is there any discussion on the Gentleman's Amendment? The Gentleman from DuPage, Representative Daniels."

Daniels: "Yes, Mr. Speaker, we think this is a remarkably perceptive Amendment. Probably the only one that he's had in the four years he's been here but we'll except it."

Speaker Ryan: "Is there any further discussion on Amendment #12 to House Bill 743? All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments."

Clerk Leone: "Floor Amendment #13, Zwick, amends House Bill 743 on page 27, line nine and so forth."

Speaker Ryan: "The Lady from Kane, Representative Zwick."

Zwick: "Thank you. I'd like to withdraw Amendment #13 at this time. It's being redrafted now. It will be back. It was drafted incorrectly. It will be back. Thank you."

Speaker Ryan: "The Lady has withdrawn the Amendment. Further Amendments."

Clerk Leone: "Floor Amendment #14, Hudson, amends House Bill 743 on page one, line seven and so forth."

Speaker Ryan: "The Gentleman from DuPage, Representative Hudson."

Hudson: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #14 does include some technical errors and I would request that it be withdrawn at this time. It will reappear later."

Speaker Ryan: "Gentleman withdraws Amendment #14. Further Amendments."

Clerk Leone: "Floor Amendment #15, Ebbesen, amends House Bill 743 on page 66 and so forth."

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Speaker Ryan: "Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, again I would like to refer. It was one of the individuals that read this report by the Ewing Committee and I was appalled to find out within this report coming from Pete 'Marwick' Mitchell study and I'm referring to page 12, and to be right to the point it says that the CTA union contracts contain quarterly cost of living adjustments calculated on an overall wage and not the base pay. And the testimony submitted to the Committee revealed that the CTA drivers are in the top, already, wage for bus operators in major cities in this country. Now, the CTA drivers currently cost the system at least 34,000 dollars per year in salary and fringe benefits. The thrust of Amendment 15 relates to this fringe benefit and related payroll cost because it amounts to 47% of salary. Now this is according to Pete 'Marwick' Mitchell and what this Amendment, in essence, does it requires the proposed finance authority from... prohibits them from making grants with the carriers when labor contracts which have fringe benefits and related payroll costs which exceed those of the state employees. Now that report, as I indicated, by this House Resolution was 47% and the state employees find themselves at a 32% level. And for the benefit of how we arrived at this, our staff when you talk about fringe benefits you take the basic salary but we talk about retirement, health and life insurance, personal days of leave of which there are three for state employees, 12 paid holidays a year, 12 paid sick days, vacation days, 13 and a half a year and included in that is workman's comp., unemployment comp. insurance and that's how we arrived at the 32%. What the Amendment does is just prohibit the new Board from entering into any negotiations and prohibits them from having grants and so

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forth until such time that the, at the next time of negotiation, so they should be equal to what the state employees of which there are 123,772. That's the thrust of the Amendment."

Speaker Ryan: "Is there any discussion? Gentleman from Bonn, Representative Slape."

Slape: "Thank you, Mr. Speaker. Parliamentary inquiry. Is this amendment germane to the Bill?"

Speaker Ryan: "Representative Slape."

Slape: "I think Amendment #4 has already struck the part of the original Bill that this Amendment addresses so, therefore, I would question the order of the Amendment rather than the germaneness of it."

Speaker Ryan: "The Parliamentarian tells me that the Amendment is not in order. Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, Amendment #4, as I recall, is the one that we had the one vote differential which is the one that addressed itself to the very subject matter and this Amendment, I agree with you, is out of order and if possible will have to recycle it."

Speaker Ryan: "Want to withdraw it?"

Ebbesen: "Yes, withdraw it."

Speaker Ryan: "Withdraw Amendment #15. Further Amendments."

Clerk Leone: "Floor Amendment #16, Grossi, amends House Bill 743 on page eleven and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Grossi."

Grossi: "Thank you, Mr. Speaker. At this time I would like to withdraw Amendment #16."

Speaker Ryan: "Withdraw Amendment #16. Further Amendments."

Clerk Leone: "Floor Amendment #17, Roland Meyers, amends House Bill 743 on page 29 and so forth."

Speaker Ryan: "Gentleman from Cook, Representative Meyer."

Meyer: "Mr. Speaker, Ladies and Gentlemen of the House, this is

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very simple Amendment under the TFA that gives the Governor authority to appoint the Board. This Amendment would allow that... those appointments to be with the advice and consent of the Senate. It's merely a check and balance on the appointment by the Governor. That's all this Amendment does."

Speaker Ryan: "Is there any discussion? Gentlemen from DuPage, Representative Daniels."

Daniels: "I'm advised that this Amendment is okay after talking to D.O.T.."

Speaker Ryan: "Gentleman from Cook, Representative Ewell. Representative Ewell, did you seek recognition? No. Any further discussion? Question is, 'shall Amendment #17 to House Bill 743 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment's adopted. Amendment #18."

Clerk Leone: "Floor Amendment #18, Ryan-Telcser, amends House Bill 743 on page 25 and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, I'd like to withdraw Amendment #18."

Speaker Ryan: "Amendment #18 is withdrawn. Further Amendments."

Clerk Leone: "Floor Amendment #19, Diana Nelson, amends House Bill 743 on page five and so forth."

Speaker Ryan: "Lady from Cook, Representative Nelson."

Nelson: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House, Amendment #19 is a simple Amendment that would separate the operations end of the business from the funding function. This Amendment clarifies, in my mind, the function of the Transit Finance Authority. It would remove the power to operate transit systems and it would separate the audit function from the operations end of the business. I think that one of the reasons that we have duplication of staff services is because we have the RTA

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and the CTA hiring people to do the same kinds of jobs. I do not think that under the TFA authority five unpaid people should be in the business of running the day to day operations. If you will look closely at this Amendment, it simply deletes certain Sections of the proposed Act that talk about operating day to day transit systems. On page five, for instance, it would delete, 'or by operating such service itself'. It would still leave in, 'purchase of service and grants to these different agencies'. On page eleven, the same... Excuse me, I'm sorry. On page ten, it would delete, 'the authority may provide public transportation by operating public transportation facilities'. It would still leave in those powers that, as I understand, we wish to have the Transit Finance Authority take care of. To have created here on the floor of the House the kind of authority that is similar to the school finance authority. I think that it is a simple concept and I ask for your affirmative vote."

Speaker Ryan: "Is there any discussion? The Gentleman from Lake, Representative Barkhausen."

Barkhausen: "Question of the Sponsor. Will the Sponsor yield?"

Speaker Ryan: "Indicates she will."

Barkhausen: "Representative Nelson, does this proposed Amendment of yours assume an opt out of the collar counties?"

Nelson: "Yes, it does, Dave."

Speaker Ryan: "The Lady from Cook, Representative Stewart."

Stewart: "Yes, Ladies and Gentlemen of the House, I rise against this Amendment. I know that the author offered it with good intentions, however, I think that one of the problems with the RTA and its deficit history, deficit riddled history, is that it did get involved as a... in the operations as a carrier. It did get involved in buying railroads and the like and I would suggest that we should

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limit the transportation, the new TFA to simply a financing authority and... with certain constraints on its power and I would suggest that if we did otherwise it would be only to repeat the sad story of the RTA. I would ask for a negative vote. Thank you."

Speaker Ryan: "Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, I'd like to point out one thing regarding Amendment #19 to House Bill 743. As others have said prior to myself getting up, the Sponsor of the Amendment is very sincere and has perhaps the basis of what is a good thought and a good idea, however, I'd like to point out to the Membership before you vote on this question, particularly the suburban collar county Members, that the TFA or the RTA or whatever agency survives our legislative action ought to have, as it does now, the ability to be the operator of last resort, if you will. That is, if a railroad or commuter line goes bankrupt and the courts or no one else wants to take over operation and provide services, the RTA or the TFA ought to have the authority in the law to take over that bankrupt railroad and to maintain service for particularly our suburban residents. Under current law, as I understand it, RTA does have that power and authority. The occasion has never arisen. The RTA up until now has never looked for that authority. They don't want to do that, and I rather doubt that the TFA would want to engage in operating any kind of an on-line commuter or railroad service. But nevertheless, the occasion may arise when they will have to be called upon to do so. I simply ask you to make that consideration as you vote on this Amendment."

Speaker Ryan: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker. Will the Sponsor yield to a question?"

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Speaker Ryan: "She indicates she will."

Braun: "Representative Nelson, our analysis is a little confused on this point. Is this...does Amendment #19 allow the TFA to operate a transportation agency or disallow it from being involved in operations?"

Nelson: "Disallows the operations end of the business. That is why I thought that Representative Stewart and I were in agreement."

Braun: "Well, not for speak to Representative Stewart, Representative Nelson, if indeed that is what it does, and I have looked at our analysis again. I think that is where the confusion started because the analysis said something else. In that case, then I would join, Mr. Speaker and Ladies and Gentlemen of the House in support for this Amendment."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Stewart, for what purpose do you seek recognition?"

Stewart: "Point of personal privilege. I apologize to the Sponsor. I did misread the Bill. I concur wholeheartedly with you, and I beg the indulgence of the floor."

Nelson: "Thank you, Representative."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Nelson, to close."

Nelson: "Thank you. I think there is no misunderstanding about the intent of this proposed Amendment. I disagree that the Transit Finance Authority should be the operator of last resort. In my mind if a railroad goes bottom-up, I say that that is the essence of our free market system, and I would say so be it. And I would respectfully ask for your affirmative vote on this Amendment. Thank you."

Speaker Ryan: "The question is 'shall Amendment #19 to House Bill 743 be adopted?'. All in favor will signify by saying

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'aye', all opposed 'no'. The question is 'shall Amendment #19 to House Bill 743 be adopted?'. All in favor will vote 'aye', all opposed will vote 'no'. The Gentleman from Lake, Representative Barkhausen, to explain his vote."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to...to support the Amendment of my good Republican colleague. However, I get a little nervous when I see so much support for this Amendment from the city of Chicago. I fear that the greedy CTA tentacles may be reaching out into the suburbs, and I feel compelled to vote 'no'."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 87 voting 'aye', 48 voting 'no', and three voting 'present', and the Lady's Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #20, Deuchler, amends House Bill 743 on page 37 and so forth."

Speaker Ryan: "The Lady from Kane, Representative Deuchler."

Deuchler: "Amendment to House Bill 743, Amendment #20 which is marked in the corner with the copy...corrected copy, so be sure you have the right one. This Amendment amends the administrative expenses of the authority and says that these shall be appropriated by line item by the General Assembly for each fiscal year. The Authority shall pay, if administrative expenses, exclusively from state funds appropriated to it under the Section. My thought on this Amendment was that the General Assembly should assume the responsibility for monitoring the TFA or formerly the RTA since no one else seems to get cold of the fiscal management. By doing it line item by line item we will be involved in a budgetary process on a yearly basis. We do already do this for state agencies, and I see no reason why given the will to do so the General Assembly cannot do it

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for this."

Speaker Ryan: "Any discussion? The question is 'shall Amendment #20 to House Bill 743 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment 21, Deuchler, amends House Bill 743 on page 78 and so forth."

Deuchler: "Could I have the..."

Speaker Ryan: "The Lady from Kane, Representative Deuchler, on Amendment #20."

Deuchler: "Would it be possible to have the same Roll Call on this? Do I have leave to have the same Roll Call? This Amendment is the same Amendment, and in this instance, however, the General Assembly would be appropriating by line item the CTA budget."

Speaker Ryan: "Any discussion? The question is 'shall Amendment #21 to House Bill 743 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #22, Zwick, amends House Bill 743 on page 38 and so forth."

Speaker Ryan: "The Lady from Kane, Representative Zwick. Representative Braun, do you seek recognition?"

Zwick: "Yes."

Braun: "Mr. Speaker, I'm just a little confused. I thought there was a request for a Roll Call on Amendment #21."

Speaker Ryan: "Proceed, Representative Zwick."

Zwick: "Thank you. I would like to withdraw #22 and #23. #23 is being redrafted because of a technical error...#22 and #23."

Speaker Ryan: "The Lady withdraws Amendment #22 and Amendment #23. Further Amendments?"

Clerk Leone: "Floor Amendment #24, McPike-Stuffle, amends House Bill 743 on page one, line six, and so forth."

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Speaker Ryan: "Representative McPike. Excuse me just a minute, Representative. Representative Mautino, do you seek recognition?"

Mautino: "Yes, Mr. Speaker, inquiry if I may. How many Amendments are filed on this piece of legislation?"

Speaker Ryan: "Mr. Clerk, how many Amendments filed? 79."

Mautino: "Since we have 79, Mr. Speaker, and we have a situation where we adopted four Amendments, two by amending them on their face, and many others by voice call. Why would it not be possible to take those that have already been filed, put them on one Roll Call, and let's put them on the Bill, and let's let it fly?"

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, the Gentleman's suggestion does indeed have some emotional appeal. But I think...given the late hour in particular...but given the fact as a reflect over the prior 23 Amendments, some were adopted, some were defeated, some were withdrawn, and it is clear that the Members of the House at this point in time at lease are expressing their opinion and exerting their will in an attempt to reach concensus as a word which obviously is still a long ways off. But I think the fact that Amendments are going every which way, clearly they're not all being adopted by Roll Call vote, we ought to continue the way we have been."

Speaker Ryan: "I would also like to announce that the Rathskeller has closed, and I think that there is coffee in the rear hall here for those of you that may want it. Now I have some other questions. Representative Huskey, for what purpose do you arise?"

Huskey: "Well, I wanted you to check Amendment #24 in relationship to Amendment #4. I think we're in the same..."

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Speaker Ryan: "Could you hold that for a minute, Representative?

Let the Gentleman explain...he hasn't even had a chance to explain his Amendment yet. Representative McPike on Amendment #24."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In order to save some time I would simply say that Amendment #4 is very similar to...#24 is very similar to #4 with the exception that on Amendment #4 deleted on the language on page 64 at the bottom and 65 at the top that the Majority Leader and Representative Vinson thought should have been left in. Amendment #24 does indeed leave that in, and therefore gives the Board the right to withhold a funding if budgets submitted do not meet criteria as set forth on page 63 and 64 of the Bill. So I think it answers they're objections and at the same time it withdraws the...what we considered the obnoxious and punitive language in E1 and E2 on page 65 of the Bill. I think that is a fair synopsis of it, and I would be glad to answer any questions."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Huskey."

Huskey: "Mr. Speaker, I am going to ask the same question as was asked on Representative Ebbesen's Bill (sic) #15. I think that Representative...that Amendment #4 makes this Bill where it is not germane to the Bill...this Amendment where it's not germane to the Bill."

Speaker Ryan: "Representative Huskey and Representative McPike, the Amendment is ruled out of order. Further Amendments?"

Clerk Leone: "Floor Amendment #25, Conti, amends House Bill 743 as amended."

Speaker Ryan: "The Gentleman from Cook, Representative Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #25 has an awful lot of technical errors, and I would like

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to withdraw that."

Speaker Ryan: "Withdraw Amendment #25. Further Amendments?"

Conti: "Amendment..."

Clerk Leone: "Floor Amendment #26, Conti, amends House Bill 743 as amended."

Speaker Ryan: "The Gentleman from Cook, Representative Conti."

Conti: "Amendment #26 requires the TFA to approve all labor contracts for the CTA and the suburban bus and local work rules for the commuter railroads. Of course, the federal law pre-empts the state or local regulations of the railroad labor. I move for the adoption."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Getty."

Getty: "Mr. Speaker, I would ask if this Amendment is in order."

Speaker Ryan: "...Specific question, Representative?"

Getty: "Yes, I'd refer your attention to line six amended which reads, quote, 'Amended in Section 2.22 is added thereto', and I would say to you that the Bill already provides that 2.22 is in it, and therefore, it is not in order. Mr. Speaker, I would also point to your attention that in line three and four of the proposed Amendment appears deleting, quote, 'amended to read as follows', and I would suggest to you that there is nothing in Section 1 that reads, quote, 'amended to read as follows'. Also, it would not be in order for that reason."

Speaker Ryan: "You're absolutely right, Representative. Your amendment is out of order, Representative Conti. Further Amendments?"

Clerk Leone: "Floor Amendment #27, Conti, amends House Bill 743 as amended."

Speaker Ryan: "The Gentleman from Cook, Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, these Amendments that were drafted should have been

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drafted...should have been drafted....they're wrong...drafted wrong numerically. 28 should have been the first one adopted, so I would like to withdraw 25, 26, 27, and go with 28."

Speaker Ryan: "Withdraw Amendment #27. Further Amendments?"

Conti: "Yes."

Speaker Ryan: "Mr. Clerk, further Amendments?"

Clerk Leone: "Floor Amendment #29, Conti..."

Speaker Ryan: "#28 I believe, Representative..."

Clerk Leone: "#28..."

Speaker Ryan: "#27 was withdrawn."

Clerk Leone: "Floor Amendment #28, Conti, amends House Bill 743 on page one and so forth."

Speaker Ryan: "The Gentleman from Cook, Representative Conti."

Conti: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Amendment #28 retains the RTA Board...reapportions the RTA Board as follows: increases suburban Cook County directors from three to four, decreases the city of Chicago directors from six to five effective July 1, 1981. It requires that the RTA Board is reapportioned the first rather than the third year of the federal census. I move for the adoption of House Bill...of Amendment #28."

Speaker Ryan: "Is there any discussion? The question is 'shall Amendment #28 to House Bill 743 be adopted?'. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #29, Conti, amends House Bill 743 as amended."

Speaker Ryan: "The Gentleman from Cook, Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, again I would like to withdraw this one, too."

Speaker Ryan: "Amendment #29 withdrawn. Further Amendments?"

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Clerk Leone: "Amendment #30, Rigney-Ewing, amends House Bill 743 on page 68 and so forth."

Speaker Ryan: "The Gentleman from Red Oak, Representative Rigney."

Rigney: "Mr. Speaker, Amendment #30, I think, is probably one that brings a great deal of fairness into the whole funding structure as far as RTA is concerned. I think we will have to agree that since most of our communities do use a property tax to fund at least a part of the operation of mass transit in their area, I think it is only fair that we adopt Amendment #30 which in effect says that before we are to allocate any money from state sources that at least \$100,000,000 must be raised off of a special service tax in that central business area of the city of Chicago. This is the area that is benefitting directly as a result of the legislation that we are considering, and I think it is only fair that we consider that they will make a contribution towards the prosperity of that system."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Getty."

Getty: "Mr. Speaker, I would now question whether Amendment #30 is in order in light of our previous adoption of Amendment #, I believe, it was #28."

Speaker Ryan: "Hang on, would you just for a minute, Representative? The Gentleman's Amendment is out of order. Representative Rigney."

Rigney: "Can you point out to me why it would be out of order? We're merely putting in a new Section?"

Speaker Ryan: "Representative, on Amendment #28 that was just adopted struck everything after the enacting clause and rewrote the Bill. Representative Conti's Amendment, Amendment #28...and so, it is out of order."

Rigney: "Well, Mr. Speaker, I voted for that. I suppose I voted

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on the prevailing side. Maybe I should move to reconsider in an effort to get my good Amendment adopted."

Speaker Ryan: "The Gentleman from Rock Island, Representative Darrow."

Darrow: "Mr. Speaker, I have a Parliamentary Inquiry with regard to Rule 62, Motion to Reconsider. In reading that it would appear that only a record vote can be reconsidered, and if it was a voice vote, am I correct, that that cannot be reconsidered?"

Speaker Ryan: "I don't think that the Gentleman made a Motion to reconsider, Representative."

Darrow: "Well, I was just asking if that Rule would not prevail in this situation..."

Speaker Ryan: "Well, when we have to address that question, I will rule on it. The Gentleman from DeWitt, Representative Vinson."

Vinson: "If the Gentleman...if the previous Gentleman didn't make that Motion, I would move to reconsider. I voted on the prevailing side."

Speaker Ryan: "The Gentleman from Cook, Representative Conti, do you seek recognition? The Gentleman from DeWitt, Representative Vinson."

Vinson: "I withdraw my Motion, Mr. Speaker."

Speaker Ryan: "The Gentleman withdraws his Motion. The Gentleman from Marion, Representative Friedrich."

Friedrich: "Well, possibly my statement is not timely, but #28 was never distributed."

Speaker Ryan: "...All out, Representative Friedrich. They've all been printed and distributed up through 79 or 78...somewhere in there. The Gentleman from Cook, Representative Meyer, for what purpose do you seek recognition?"

Meyer, Ted: "To try to bring a point of sanity. Mr. Speaker, it

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is your intention to leave these Bills on Second Reading for tomorrow, isn't it?"

Speaker Ryan: "Yes, it is."

Meyer, Ted: "Well, all the other Amendments are out of order. I believe it... either we should vote them all up or down in one Roll Call or the Majority and the Leader should make move to adjourn. Let us go home."

Speaker Ryan: "Take this Bill out of the record, Representative. House Bill 743, Representative Telcser."

Telcser: "Mr. Speaker, just a point of inquiry. We've taken 743 out of the record for now. It is still on Second Reading. Am I correct in assuming now that in connection with 743 all the Amendments prior to 28 which were adopted are now no longer on the Bill, but we now have a new Bill which is actually Amendment #28 and all subsequent Amendments are out of order. Is that correct?"

Speaker Ryan: "That appears to be the situation, Representative."

Telcser: "I am really surprised that some of the Members on the other side of the aisle supported Amendment #28. It is a refreshing change of pace...although, I am concerned. Conciliatory attitude on the other side of the aisle is most refreshing."

Speaker Ryan: "On page three of the Calendar appears House Bill 737. Representative Telcser. Any further Amendments on House Bill 737, Representative?"

Clerk Leone: "House Bill 737 has been read a second time previously. The next Amendment is Amendment #2, Ryan-Telcser, amends House Bill 737 on page one, line three and so forth."

Speaker Ryan: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker. It is now almost quarter...20 minutes till 11. You're tired. I'm certain we are all tired. The last...the major part of this package has been

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'riveted' into a duckbilled platypus by this bazaar procedure that resembles nothing so much as Alice's tea party in Wonderland. I can't believe what is going on here. We're passing Amendments on voice votes that don't make any sense, and the result is called another way. Objections are made to Amendments for...calls for record votes are made. No...no recognition is given to any of that. We're just sitting here playing games, Mr. Speaker, and I've got to tell you, I for one, I don't see that this does any credit to any of the Members in this House or to this Legislature as a Legislative Body for us to play these kinds of games into the wee hours. We know that this whole situation is totally botched now, and I would move, Mr. Speaker, that we adjourn and begin to take up the business of this House in the morning."

Speaker Ryan: "You weren't recognized for that purpose. The Gentleman from Cook, Representative Telcser."

Telcser: "Well, Mr. Speaker, let me simply say if in the Lady's view it is, quote, botched up, unquote, the Members all voted to adopt Amendment #28. No one rose and voted 'no'. So we must all take joint responsibility if that's the way you feel. Now regarding Amendment #2 to House Bill 737 I believe earlier in the day we had some discussion as to the vague language contained in 737. I took it out of the record, and I was waiting for Representative Leverenz, I believe, and Representative Bowman,...and Representative Kane to...are you going to draft a new Amendment to clarify this earlier today? So can we leave Amendment #2 out now, and if there are any other ones...go to Amendment #3?"

Speaker Ryan: "Amendment #2 has not been adopted, Representative Telcser."

Telcser: "That is correct, and I'm not going to offer it. I will withdraw it until such time we can work out come new

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language for Amendment #2."

Speaker Ryan: "The Gentleman withdraws Amendment #2. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Matijevich, amends House Bill 737 on page five, line four and so forth."

Speaker Ryan: "The Gentleman from Lake, Representative Matijevich, on Amendment #3 to House Bill 737. Representative Braun, for what purpose do you seek recognition?"

Braun: "Thank you, Mr. Speaker. Point of personal privilege. Objection was made to that Amendment, and it was just laughed out like it is no big deal. I remember asking specifically..."

Speaker Ryan: "Well, Representative, you can bring your point when we've heard the Amendment. Representative Matijevich on Amendment #3."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Amendment #3 to House Bill 737 puts a five year moratorium on the building construction of new highways. The reason I introduce and offer this Amendment to this Body is that I have heard a lot of rhetoric for some years now that our priority need is the maintenance and repair of existing highways. I have also heard from the electorate that they feel in their own minds that we have had enough of new highways, and what they feel is the real need is to make certain that we first bring up our existing highways into good order and then if there is a need, then we draw our attention to new highways. I think it is a responsible Amendment. I think that is the priority need, and I would urge and ask the Membership to support Amendment #3 to House Bill 737."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I think Amendment

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#3 speaks for itself. It simply says that money generated from the new tax cannot be used for new highway construction. Now, I don't need any new highway construction that I am aware of in my district, but I know that many Members of the Legislature are concerned about the availability of new highway construction for their districts. However, more importantly, I don't believe it is a sound decision on the part of the Legislative Branch of government to so completely tie the hands of a large state agency in this particular fashion. The agency is responsible enough to make those determinations as to how to spend the available monies whether for bridge repair, or road repair, or the construction of some new road or highway where it is clearly, vitally needed in the state. I am informed that approximately 10% of the expenditures that...that DOT makes is for new construction as opposed to maintenance and repair of existing roads and bridges. I think this is simply bad public policy to establish this precedent, and for those reasons I rise to oppose Amendment #3."

Speaker Ryan: "The Gentleman from Adams, Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I stand with Mr. Telcszer on this issue. I, too, oppose this Amendment. First of all, for benefit of the Membership, this would prohibit any monies being spent on new construction of new highways. For instance, if you have a business route now going through your community, and IDOT had a vision of a bypass around your community or anything like that, this Amendment would prohibit monies from this fund to be used for those purposes. It really restricts severely the latitude of IDOT and for any kind of road program. In other words what it would provide would really be only for repaving and repair of existing roads

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and sort of a rekindling of the...the callous package of filling potholes rather than anything else, and I am surprised John would do this in light of Tim Donovan and Zeke Giorgi being his seatmates needing Highway 51."

Speaker Ryan: "The Gentleman from Lake, Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, I am really...really not so much arising to comment on this Amendment as I am to comment on the process, and I would like to indicate to the Speaker at this time that I think we've made the Legislature look foolish enough tonight without proceeding much further, and I would like...I don't know how else to slow down this process. I sense we are on a greased road, and something is being accomplished that most Members don't understand, but on this Amendment I would at this time ask, Mr. Speaker, that we have a record vote, and I intend to ask for a verification of the vote, and I don't know of any other way than to slow down this process and to make sure that we don't do anything more to this legislation than we've done through the Conti Amendment to the prior Bill than to simply say, I think we all who have...it is March. There is no reason we have to be legislating late into the night and doing things that we don't understand. We've just done something we don't understand. We spent a whole evening adopting Amendments, and then on another Amendment we struck them all out. I think that there are Members on both sides of the aisle, and this is not a partisan matter at all, or it should not be, who think that we're going to do a lot better job for the Regional Transportation system in the Chicago area if we bring this to a halt pretty soon and go home and get a good nights sleep and come back in the morning and start reading Amendments. And I respectfully indicate that I am going to ask that there be a record vote and a verification

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on this and every other vote that we have."

Speaker Ryan: "The Gentleman from Cook, Representative Huff."

Huff: "Thank you, Mr. Speaker. We may end on this note, but I rise to support Representative Matijevich's proposal as a modest one and poetic in its consummation because the position that Matijevich's proposal is asking the state is exactly the position that Chicago was in during the decades of the 70's when under the...Governor Ogilvie and Governor Walker, the cross town apportionment was diverted to the state's road fund to accelerate the downstate portion of interstate highway. When I arrived here in 1975, all but 100 miles of that downstate highway had been completed, and yet when those funds were cut off by President Ford, it then left the present Governor with no other recourse than to go to Chicago and schmuck the Mayor into coming down with the Byrne-Thompson transportation program. I think that this is a reasonable proposal, and it is only poetic justice."

Speaker Ryan: "The Lady from LaSalle, Representative Hoxsey."

Hoxsey: "Yes, Mr. Speaker. I would like to ask the Sponsor of this legislation what you do with the downstate bridge with no highway to it or from it?"

Speaker Ryan: "Representative Matijevich."

Matijevich: "Representative Huskey...or Representative Hoxsey, that is very interesting, I'll tell you...I'll tell you what they did in my district. We have a lakefront highway, and for some crazy reason they built the middle leg of it. We've got a highway to nowhere, and they started the construct...the planning of it way back, I think, in 1957, I believe. And back in the Ogilvie days they built the middle leg of it so that John Connelly could get re-elected, I guess. Now all we use it for is to film crash scenes for the movies, and I'll tell you, I probably

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would do my political...do it more political good by being for completion of that lakefront highway. However, I really think the voters in my district would feel strongly that the...the repairs of existing highways are the first priority. I really believe that. So I...and I finally can publically say it because I've always said that I am going to say it. I don't care if they never build that lakefront highway. They never should have started it in the first place. But...but they...you can spend so much funds in new highway construction and eat it up so quickly that I'll tell you in a few years we'll be back here with another mass of funding Bills. And maybe that is alright, but I think that we ought to as a policy decision say right here and now we stand for first repairing existing highways. Let's take care of what we have first."

Hoxsey: "Representative Matijevich, I'm afraid I am going to have to differ with you. I can't imagine what the people in LaSalle County are going to say with a bridge over the Illinois River and no way to get across it. So I would suggest we vote 'no' on the piece of legislation."

Matijevich: "You have to have a reason to get across first."

Speaker Ryan: "The Gentleman from Effingham, Representative Brummer. The Gentleman from Marion, Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Ryan: "He indicates he will."

Friedrich: "Representative Matijevich, would this preclude if this...we were to pass this...relocations, for example, of existing roads where you have to straighten out curves and so on?"

Matijevich: "No, no it wouldn't."

Friedrich: "Would it preclude bypassing a town where you're upgrading Route 51 or something like that?"

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Matijevich: "I don't know."

Friedrich: "What constitutes a new highway? Does it bypass around a town constitute a new highway, or do you still have to go through town?"

Matijevich: "Most of my advisors tell me make them go through town."

Friedrich: "Well, alright....does going through town..."

Matijevich: "I...I think that would be new highway construction."

Friedrich: "That would be new highway if you try to bypass a town?"

Matijevich: "I think it would, yeah."

Friedrich: "Well, if you straighten a curve, would that...you'd be relocating. Would that be new highway?"

Matijevich: "No, definitely not."

Friedrich: "Well, how do I tell by reading this Bill? Now, you know, your lawyers get pretty sharp sometimes, and they might say, 'Well if you straighten a curve, that is a new highway'; 'If you go around a town, that is a new highway'."

Matijevich: "Well, I really think that the courts, if it ever came to where it had to be a judicial interpretation of it, I think the courts could understand what most reasonable people mean by new highway construction. I think you know what I mean."

Friedrich: "No I don't, John. That is the reason I am asking."

Matijevich: "Well, I think...my intent is that we are not going to quickly spend all of this massive funding for new highway construction."

Friedrich: "Alright..."

Matijevich: "Now, that's pretty clear. You know how much money can go up in smkose quickly when you build a new highway. We know that by the appropriations that we pass here on...on highway construction."

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Friedrich: "Alright, now the final question. 409 has been established for some time. The bridges were built some time ago. One lane is being built this year. Would building the second lane be a new highway? I want to know. That is really important in my district."

Matijevich: "I...I would say yes, and I know it is important to your district. No more as I said the lakefront highway is important in my district, and a middle leg of that has been built. To me, completion of it would be new highway construction. And it is important to my district. I still think it ought to take a back seat to maintaining and bringing up...upgrading our existing highway system. I think that ought to be our priority."

Friedrich: "Thank you. You've got me confused now."

Matijevich: "Good."

Speaker Ryan: "Is there any further discussion? The Gentleman from Hardin, Representative Winchester."

Winchester: "Will the Gentleman yield?"

Matijevich: "Yes, Mr. Winchester."

Winchester: "John, I know what your intentions are, and I think Representative Friedrich has made some very good points on the fallacies of your Bill, and...I would like to see as much of these dollars as possible set aside for repair and maintenance, particularly in my area of the state. We don't need new highway construction. There are areas where we have bypasses in small communities, and it is necessary that we would have to build...under your terminology in this Amendment a new highway. If you had something like 10, 15, 20% of the money that could be set aside for new highway construction, that would be different. But I think under your Amendment and the way it is worded it is too restrictive and could cause a considerable amount of problems, and I would have to oppose it."

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Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Cullerton, for what purpose do you rise?"

Cullerton: "I move the previous question, Mr. Speaker."

Speaker Ryan: "The Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. And the Gentleman's Motion prevails. The Gentleman from Lake, Mr. Matijevich, to close."

Matijevich: "Mr. Speaker, I'll take a Roll Call. Really what we're doing here, none of us know. None of us really think that anything we're doing here has...is going to have any bearing on the Bills when they finally come out of some Conference Committee, but I would like at least at one time during my...this Session that we go on record believing that we ought to upgrade our existing highway system. That is why I offer this Amendment, and I ask for your support."

Speaker Ryan: "The question is 'shall Amendment #3 to House Bill 737 be adopted?'. All in favor will signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 58 voting 'aye', 80 voting 'no', and the Gentleman's Amendment fails. The Gentleman from Cook, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I move that the House stand adjourned until Wednesday, April 1 at the hour of noon."

Speaker Ryan: "The Gentleman moves the adjournment of the House till Wednesday, April 3 (sic) at the hour of 12:00. All in favor. April 1..."

Telcser: "April 1, tomorrow...noon."

Speaker Ryan: "April 1, tomorrow morning. Tomorrow at 12:00. All in favor will signify by saying 'aye', all opposed 'no'. And the Gentleman's Motion prevails, and the House

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stands adjourned."

Unknown: "God bless Mayor Byrne."