

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 30, 1994

Clerk Rossi: "The hour of 10:00 a.m. having arrived, the House Perfunctory Session will come to Order. We will be led in Prayer today by the Clerk."

Clerk Rossi: "Dear Lord, bless this House and all who work and serve here."

Clerk Rossi: "We'll be led in the Pledge of Allegiance by Pam Welch."

Pam Welch - et al: "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."

Clerk Rossi: "Introduction - First Reading of House Bills. House Bill 3890, offered by Representative Curran, a Bill for an Act to amend the Illinois Pension Code. House Bill 3981, offered by Representative Dart, a Bill for an Act to amend the Adoption Act. House Bill 3982, offered by Representative Homer, a Bill for an Act to amend the Illinois Insurance Code. House Bill 3983, offered by Representative Homer, a Bill for an Act to amend the Counties Code. House Bill 3984, offered by Representative Homer, a Bill for an Act to provide for the open primary elections. House Bill 3985, offered by Representative Homer, a Bill for an Act to amend the Election Code. House Bill 3986, offered by Representative Homer, a Bill for an Act to change the date of the 1998 general primary election. House Bill 3987, offered by Representative Ostenburg, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. House Bill 3988, offered by Representative Flowers, a Bill for an Act to amend the Unified Code of Corrections. House Bill 3989, offered by Representative Wennlund, a Bill for an Act concerning child and spouse support. House Bill 3990,

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offered by Representative Erwin, a Bill for an Act in relation to tax refunds for foreign travelers. House Bill 3991, offered by Representative Ronen, a Bill for an Act to amend the Land Trust Beneficial Interest Disclosure Act. House Bill 3992, offered by Representative Stephens, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 3993, offered by Representative Granberg, a Bill for an Act to amend the State Pension Funds Continuing Appropriation Act. House Bill 3994, offered by Representative Currie, a Bill for an Act to amend the Illinois Pension Code. House Bill 3995, offered by Representative Santiago, a Bill for an Act to amend the Minority and Female Business Enterprise Act. House Bill 3996, offered by Representative Davis, a Bill for an Act in relation to apprenticeship programs. House Bill 3997, offered by Representative Clayton, a Bill for an Act to create the Police Pursuit Act. House Bill 3998, offered by Representative Hoffman, a Bill for an Act to amend the Local Mass Transit District Act. House Bill 3999, offered by Representative Cross, a Bill for an Act to amend the Juvenile Court Act of 1987. House Bill 4000, offered by Representative Curran, a Bill for an Act and to amend the Illinois Pension Code. House Bill 4001, offered by Representative Cross, a Bill for an Act to amend the Juvenile Court Act. House Bill 4002, offered by Representative Burke, a Bill for an Act to amend the Public Utilities Act. House Bill 4003, offered by Representative Daniels, a Bill for an Act in relation to stalking and aggravated stalking. House Bill 4004, offered by Representative Maureen Murphy, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 4005, offered by Representative Maureen Murphy, a Bill for an Act to amend the Property Tax Code. House Bill 4006, offered by

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Representative Parcels, a Bill for an Act to amend the Criminal Code. House Bill 4007, offered by Representative Erwin, a Bill for an Act concerning open space areas. House Bill 4008, offered by Representative Weller, a Bill for an Act creating the Joliet Arsenal Development Authority. House Bill 4009, offered by Representative Ronen, a Bill for an Act to amend the Privacy of Child Victims of Criminal Sexual Offenses Act. House Bill 4010, offered by Representative Tom Johnson, a Bill for an Act in relation to notification of the release of felons from custody. House Bill 4011, offered by Representative Cross, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 4012, offered by Representative Cowlshaw, a Bill for an Act relating to baccalaureate degrees. House Bill 4013, offered by Representative Currie, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 4014, offered by Representative Dart, a Bill for an Act to amend the Public Community College Act. House Bill 4015, offered by Representative Zickus, a Bill for an Act to amend the Toll Highway Act. House Bill 4016, offered by Representative Curran, a Bill for an Act to amend the Criminal Procedure of 1963. House Bill 4017, offered by Representative Dart, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 4018, offered by Representative Dart, a Bill for an Act to amend the Unified Code of Corrections. House Bill 4019, offered by Representative Dart, a Bill for an Act to amend the Criminal Code. House Bill 4020, offered by Representative Stephens, a Bill for an Act to amend the Criminal Identification Act. House Bill 4021, offered by Representative Noland, a Bill for an Act in relation to weights and measures. House Bill 4022, offered by

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Representative Tom Johnson, a Bill for an Act to amend the Property Tax Code. House Bill 4023, offered by Representative Maureen Murphy, a Bill for an Act to amend the Property Tax Code. House Bill 4024, offered by Representative Wennlund, a Bill for an Act in relation to vending machines. House Bill 4025, offered by Representative von Bergen Wessels, a Bill for an Act to amend the Unified Code of Corrections. House Bill 4026, offered by Representative Davis, a Bill for an Act to amend the Alcoholism and Other Drug Abuse and Dependency Act. First Reading of these House Bills."

Clerk Rossi: "The hour of 2:00 p.m. having arrived the House Perfunctory Session will come to order. Introduction - First Reading of Bills. House Bill 4027, offered by Representative Flowers, a Bill for an Act making appropriations to the Department of Corrections. House Bill 4028, offered by Representative Flowers, a Bill for an Act to amend certain Acts in relation to educational programs. House Bill 4029, offered by Representative Kubik, a Bill for an Act in relation to taxation. House Bill 4030, offered by Representative Mautino, a Bill for an Act to amend the Retailers' Occupation Tax Act. House Bill 4031, offered by Representative Dunn, a Bill for an Act to amend the Illinois Credit Union Act. House Bill 4032, offered by Representative Pugh, a Bill for an Act to amend the Alcoholism and Other Drug Abuse and Dependency Act. House Bill 4033, offered by Representative McAfee, a Bill for an Act to amend the Trusts and Trustees Act. House Bill 4034, offered by Representative McAfee, a Bill for an Act to amend the Instruments Regarding Adoption of Children Act. House Bill 4035, offered by Representative Maureen Murphy, a Bill for an Act relating to school districts in cities

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with a population exceeding 500,000 inhabitants. House Bill 4036, offered by Representative Lang, a Bill for an Act to amend the Civil Administrative Code. House Bill 4037, offered by Representative DeJaegher, a Bill for an Act to revise the law in relation to the occupation of environmental health practitioners. House Bill 4038, offered by Representative Ostenburg, a Bill for an Act to amend the School Code. House Bill 4039, offered by Representative Phelps, a Bill for an Act to amend the General Obligation Bond Act. House Bill 4040, offered by Representative McGuire, a Bill for an Act to amend the School Code. House Bill 4041, offered by Representative Schakowsky, a Bill for an Act to amend the Nursing Home Care Act. House Bill 4042, offered by Representative Jim Phelan, a Bill for an Act concerning rental property. House Bill 4043, offered by Representative Zickus, a Bill for an Act to amend the Security Deposit Interest Act. House Bill 4044, offered by Representative Maureen Murphy, a Bill for an Act to amend the Credit Card Liability Act. First Reading of these House Bills."

Clerk Rossi: "A Message from the Senate by Mr. Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a Bill of the following title and the passage of which I'm instructed to ask the Concurrence of the House of Representatives to wit; Senate Bill 1322, a Bill for an Act to amend the Higher Education Student Assistance Act. By changing Section 35, passed the Senate March 29, 1994. Jim Harry, Secretary of the Senate'."

Clerk Rossi: "A Message from the Senate by Mr. Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the

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following titles and passage of which I'm instructed to ask the Concurrence of the House of Representatives to wit; Senate Bill 1191, a Bill for an Act to amend the Property Tax Code. Senate Bill 1776, a Bill for an Act amending Public Act 88-0090 to provide supplemental appropriations and or legislative transfers for various state agencies; passed by the Senate March 30, 1994. Jim Harry, Secretary of the Senate."

Clerk Rossi: "Introduction - First Reading of Bills. House Bill 4045, offered by Representative Clayton, a Bill for an Act to amend the Adoption Act. House Bill 4046, offered by Representative Wirsing, a Bill for an Act to amend the Board of Higher Education Act. House Bill 4047, offered by Representative Wirsing, a Bill for an Act to amend the Regency Universities Act. House Bill 4048, offered by Representative Wirsing, a Bill for an Act to amend the Public Community College Act. First Reading of these House Bills."

Clerk McLennand: "Introduction and First Reading of Constitutional Amendments. HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #32 OFFERED BY REPRESENTATIVE STEPHENS RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH 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 6 months after the adoption of this resolution a proposition to add Sections 13, 14, and 15 to Article VII and to change Section 4 and add Sections 10 and 11 to Article IX of the Illinois Constitution to read as follows: ARTICLE VII LOCAL GOVERNMENT SECTION 13. TAX OR DEBT INCREASES; REFERENDA.
(a) Except as provided in subsection (c), a unit of local

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government or school district may not impose a new tax, increase a tax rate, increase a mill levy or per unit levy, increase the valuation for assessment ratio for real property, extend an expiring tax, or institute a tax policy change that directly causes a net tax revenue gain unless that action is approved by referendum by the voters in that unit of local government or school district. (b) Except for refinancing bonded debt at a lower interest rate or adding new employees to existing pension plans, a unit of local government or school district may not incur any multiple fiscal year direct or indirect debt or other financial obligation without adequate present cash reserves irrevocably pledged and held for payments required in all future fiscal years unless that action is approved by referendum by the voters in that unit of local government or school district. (c) A unit of local government or school district may impose emergency taxes if all of its emergency reserves under subsection (d) are depleted and the governing body of the unit of local government or school district declares an emergency by at least a two-thirds vote of its members. The emergency tax shall be imposed by a separate recorded roll call vote. Emergency tax revenue is excluded for purposes of spending limits under Section 14. Emergency tax revenue shall be refunded within 180 days after the emergency ends if not spent on the emergency. For purposes of this Section, "emergency" does not include changes in economic conditions, revenue shortfalls, or salary or fringe benefit increases. An emergency tax imposed under this subsection shall end on the December 31 following the next election at which members of the governing body of the unit of local government or school district are elected unless approved

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by the voters by referendum at that election. This subsection grants no new taxing powers. Emergency property taxes are prohibited. (d) To use for declared emergencies only, a unit of local government or school district shall reserve 1% or more of its fiscal year spending for 1995, 2% or more for 1996, and 3% or more for 1997 and each year thereafter. Fiscal year spending does not include amounts spent on bonded debt service. Unused reserves shall apply to the next year's reserves.

(e) Between 15 and 25 days before a referendum required under this Section, the unit of local government shall mail at the least cost a notice addressed to "All Registered Voters" to each address with one or more registered voters. The notice shall be titled "Notice of Referendum to Increase Taxes or Debt" and shall include all of the following: (i) The date and hours of the election; proposition to be submitted, and local election office address and telephone number. (ii) For proposed tax or bonded debt increases, the estimated or actual total of fiscal year spending for the current year and each of the past 4 years, and the overall percentage and dollar change.

(iii) For the first full fiscal year of each proposed tax increase, estimates of the maximum dollar amount of each increase and of fiscal year spending without the increase. (iv) For proposed bonded debt, its principal amount and maximum annual and total repayment cost, and the principal balance of total current bonded debt and its maximum annual and remaining total repayment cost.

(v) Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the election officer 30 days or more before the election. A summary shall not mention names of persons or private

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groups or endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The election officer shall maintain and accurately summarize all other relevant written comments. SECTION 14. SPENDING AND REVENUE LIMITS. (a) A unit of local government or school district may not increase its fiscal year spending over the prior fiscal year's spending more than the percentage increase in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor (or comparable index established by law) plus the percentage increase over the previous year in the equalized assessed value of real property in that unit of local government or school district, adjusted for revenue changes approved by the voters by referendum. (b) A unit of local government or school district may not increase the amount of its property tax levy over the previous year's levy more than the percentage increase in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor (or comparable index established by law) plus the percentage increase over the previous year in the equalized assessed value of real property in that unit of local government or school district, adjusted for revenue changes approved by the voters by referendum. (c) If revenue from sources not excluded from fiscal year spending exceeds these limits in dollars for that fiscal year, the excess shall be refunded in the next fiscal year unless voters approve a revenue change as an offset. Future creation of bonded debt shall increase, and retiring or refinancing bonded debt shall lower, fiscal year spending and property tax revenue by the annual debt service so funded. Debt service changes,

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reductions, and voter-approved revenue changes are dollar amounts that are excluded from fiscal year spending and property tax revenues. (d) New or increased transfer tax rates on real property are prohibited. A unit of local government or school district may not impose an income tax.

SECTION 15. UNFUNDED MANDATES. (a) Whenever the Legislature or any State executive action requires a unit of local government or school district to establish, expand, or modify its activities in such a way as to necessitate additional expenditures of revenue by the unit of local government or school district, the State shall provide funds to reimburse the unit of local government for the costs necessary to carry out the mandated requirement, except that the Legislature may, but need not, provide funds for the following mandates: (1) Legislatively mandated requirements requested by the unit of local government affected. (2) Legislatively mandated requirements enacted before the effective date of this amendment or State executive actions initially implementing legislation enacted before the effective date of this amendment. (b) A mandated requirement that is not funded is not enforceable while not funded.

ARTICLE IX REVENUE SECTION 4. REAL PROPERTY TAXATION (a) Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law. (b) Subject to such limitations as the General Assembly may 200,000 may classify or continue to classify real property for purposes of taxation. Any such classification shall be reasonable and assessments shall be uniform within each class. The level of assessment or rate of tax of the highest class in a county shall not exceed two and one-half times the level

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of assessment or rate of tax of the lowest class in that county. Real property used in farming in a county shall not be assessed at a higher level of assessment than single family residential real property in that county. (c) Any depreciation in the value of real estate occasioned by a public easement may be deducted in assessing such property. (d) Regardless of reassessment frequency, valuation notices shall be mailed annually and may be appealed annually, with no presumption in favor of any pending valuation. Past or future sales by a lender or government shall also be considered as comparable market sales and their sales prices kept as public records. Actual value shall be stated on all property tax bills and valuation notices and, for residential real property, determined solely by the market approach to appraisal. SECTION 10. TAX OR DEBT INCREASES; REFERENDA. (a) Except as provided in subsection (c), the State of Illinois may not impose a new tax, increase a tax rate, increase a mill levy or per unit levy, increase the valuation for assessment ratio for real property, extend an expiring tax, or institute a tax policy change that directly causes a net tax revenue gain unless that action is approved by referendum by the voters of this State. (b) Except for refinancing bonded debt at a lower interest rate or adding new employees to existing pension plans, the State of Illinois may not incur any multiple fiscal year direct or indirect debt or other financial obligation without adequate present cash reserves irrevocably pledged and held for payments required in all future fiscal years unless that action is approved by referendum by the voters of this State (c) The State of Illinois may impose emergency taxes if all of its emergency reserves under subsection (d) are depleted and the General

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Assembly declares an emergency by resolution passed by each house of the General Assembly by a vote of at least a two-thirds of the members elected. The emergency tax shall be imposed by a separate recorded roll call vote. Emergency tax revenue is excluded for purposes of spending limits under Section 14. Emergency tax revenue shall be refunded within 180 days after the emergency ends if not spent on the emergency. For purposes of this Section, "emergency" does not include changes in economic conditions, revenue shortfalls, or salary or fringe benefit increases. An emergency tax imposed under this subsection shall end on the December 31 following the next general election unless approved by the voters by referendum at that general election. This subsection grants no new taxing powers. Emergency property taxes are prohibited. (d) To use for declared emergencies only, the State of Illinois shall reserve 1% or more of its fiscal year spending for fiscal year 1996, 2% or more for fiscal year 1997, and 3% or more for fiscal year 1998 and each fiscal year thereafter. Fiscal year spending does not include amounts spent on bonded debt service. Unused reserves shall apply to the next year's reserves. (e) Between 15 and 25 days before a referendum required under this Section, the Secretary of State shall mail at the least cost a notice addressed to "All Registered Voters" to each address with one or more registered voters. The notice shall be titled "Notice of Referendum to Increase Taxes or Debt" and shall include all of the following: (i) The date and hours of the election and the proposition to be submitted. (ii) For proposed tax or bonded debt increases, the estimated or actual total of fiscal year spending for the current year and each of the past 4 years, and the overall percentage

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and dollar change. (iii) For the first full fiscal year of each proposed tax increase, estimates of the maximum dollar amount of each increase and of fiscal year spending without the increase. (iv) For proposed bonded debt, its principal amount and maximum annual and total repayment cost, and the principal balance of total current bonded debt and its maximum annual and remaining total repayment cost. (v) Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the State Board of Elections 30 days or more before the election. A summary shall not mention names of persons or private groups or endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The State Board of Elections shall maintain and accurately summarize all other relevant written comments.

SECTION 11. SPENDING AND REVENUE LIMITS. (a) The State of Illinois may not increase its fiscal year spending over the prior fiscal year's spending more than the percentage increase in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor (or comparable index established by law) plus the percentage increase over the previous year in the State's population, adjusted for revenue changes approved by the voters by referendum. Population shall be determined by annual federal census estimates and shall be adjusted every decade to match the federal census. (b) If revenue from sources not excluded from fiscal year spending exceeds these limits in dollars for that fiscal year, the excess shall be refunded in the next fiscal year unless voters approve a revenue change as an offset. Future creation of bonded debt shall increase, and retiring or refinancing bonded debt

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shall lower, fiscal year spending and property tax revenue by the annual debt service so funded. Debt service changes, reductions, and voter-approved revenue changes are dollar amounts that are excluded from fiscal year spending and property tax revenues. (c) New or increased transfer tax rates on real property are prohibited. SCHEDULE This Amendment takes effect upon approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment #32."

Clerk McLennand: "Introduction - First Reading of House Bills. House Bill 4049, offered by Representative Currie, a Bill for an Act to amend the Illinois Pension Code. House Bill 4050, offered by Representative Lang, a Bill for an Act to create the Patient Protection in Utilization Review Act. House Bill 4051, offered by Representative Rutherford, a Bill for an Act to amend the Election Code. First Reading of these House Bills."

Clerk McLennand: "Being no further business, the House Perfunctory Session stands adjourned, and the House will reconvene on Tuesday April 5, 1994, at the hour of 12:00 noon."

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