



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

43RD LEGISLATIVE DAY

TUESDAY, MAY 5, 2009

12:12 O'CLOCK P.M.

SENATE
Daily Journal Index
43rd Legislative Day

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The Senate met pursuant to adjournment.
 Senator Don Harmon, Oak Park, Illinois, presiding.
 Prayer by Father David Engbarth, Our Lady of Good Counsel Church, Aurora, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, April 28, 2009, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, April 29, 2009, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, April 30, 2009, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Personal Information Protection Act Report, submitted by the Department on Aging.

Law Enforcement Camera Grant Act Report, submitted by the Posen Police Department.

Special Education Expenditures and Receipts Report, submitted by the Illinois State Board of Education.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to Senate Bill 331
 Senate Floor Amendment No. 1 to Senate Bill 2291
 Senate Floor Amendment No. 1 to Senate Bill 2300

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 9
 Senate Committee Amendment No. 1 to House Bill 37
 Senate Committee Amendment No. 1 to House Bill 47
 Senate Committee Amendment No. 1 to House Bill 72
 Senate Committee Amendment No. 1 to House Bill 85
 Senate Committee Amendment No. 1 to House Bill 177
 Senate Committee Amendment No. 2 to House Bill 177
 Senate Committee Amendment No. 1 to House Bill 236
 Senate Committee Amendment No. 1 to House Bill 363
 Senate Committee Amendment No. 1 to House Bill 404
 Senate Committee Amendment No. 1 to House Bill 437
 Senate Committee Amendment No. 1 to House Bill 470
 Senate Committee Amendment No. 1 to House Bill 648

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Senate Committee Amendment No. 1 to House Bill 746
 Senate Committee Amendment No. 1 to House Bill 786
 Senate Committee Amendment No. 1 to House Bill 793
 Senate Committee Amendment No. 1 to House Bill 853
 Senate Committee Amendment No. 1 to House Bill 921
 Senate Committee Amendment No. 1 to House Bill 1060
 Senate Committee Amendment No. 1 to House Bill 1175
 Senate Committee Amendment No. 1 to House Bill 1322
 Senate Committee Amendment No. 1 to House Bill 2280
 Senate Committee Amendment No. 1 to House Bill 2330
 Senate Committee Amendment No. 1 to House Bill 2448
 Senate Committee Amendment No. 1 to House Bill 2450
 Senate Committee Amendment No. 1 to House Bill 2491
 Senate Committee Amendment No. 1 to House Bill 2547
 Senate Committee Amendment No. 1 to House Bill 2573
 Senate Committee Amendment No. 1 to House Bill 2651
 Senate Committee Amendment No. 1 to House Bill 2652
 Senate Committee Amendment No. 1 to House Bill 3245
 Senate Committee Amendment No. 1 to House Bill 3642
 Senate Committee Amendment No. 1 to House Bill 3717
 Senate Committee Amendment No. 1 to House Bill 3767
 Senate Committee Amendment No. 1 to House Bill 3863
 Senate Committee Amendment No. 1 to House Bill 3878
 Senate Committee Amendment No. 1 to House Bill 3922
 Senate Committee Amendment No. 1 to House Bill 3981
 Senate Committee Amendment No. 1 to House Bill 4011
 Senate Committee Amendment No. 1 to House Bill 4047
 Senate Committee Amendment No. 1 to House Bill 4054
 Senate Committee Amendment No. 1 to House Bill 4099
 Senate Committee Amendment No. 1 to House Bill 4120
 Senate Committee Amendment No. 1 to House Bill 4122
 Senate Committee Amendment No. 1 to House Bill 4241

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to House Bill 656
 Senate Floor Amendment No. 2 to House Bill 656
 Senate Floor Amendment No. 1 to House Bill 723
 Senate Floor Amendment No. 1 to House Bill 852
 Senate Floor Amendment No. 3 to House Bill 1329
 Senate Floor Amendment No. 1 to House Bill 2283
 Senate Floor Amendment No. 1 to House Bill 2625
 Senate Floor Amendment No. 1 to House Bill 3970
 Senate Floor Amendment No. 2 to House Bill 4186

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

April 30, 2009

Ms. Jillayne Rock

[May 5, 2009]

Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the Committee and 3rd Reading deadline for the following House and Senate Bills:

HB 152, HB 310, HB 3923, SB 68, SB 108, SB 111, SB 120, SB 176, SB 177, SB 224, SB 291, SB 292, SB 464, SB 484, SB 488, SB 544, SB 610, SB 611, SB 633, SB 932, SB 1331, SB 1346, SB 1366, SB 1381, SB 1494, SB 1603, SB 1689, SB 1719, SB 1860, SB 1888, SB 2065, SB 2101, SB 2106, SB 2149, SB 2161, SB 2162, SB 2163, SB 2167, SB 2169, SB 2173, SB 2175, SB 2186, SB 2187, SB 2188, SB 2189, SB 2190, SB 2193, SB 2196, SB 2201, SB 2203, SB 2206, SB 2208, SB 2210, SB 2220, SB 2223, SB 2227, SB 2231, SB 2233, SB 2237, SB 2291, SB 2300, SB 2302, SB 2304, SB 2310, SB 2311 and SB 2314.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 4, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the Committee and 3rd Reading deadline for Senate Bill 451.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 5, 2009

Ms. Jillayne Rock
Secretary of the Senate

[May 5, 2009]

Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Dan Kotowski to temporarily replace Senator Louis Viverito as a member of the Senate Elections Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Elections Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 5, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Emil Jones, III to temporarily replace Senator Michael Bond as a member of the Senate Elections Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Elections Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 5, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Iris Martinez to temporarily replace Senator John Sullivan as a member of the Senate Higher Education Committee. This appointment is effective

[May 5, 2009]

immediately and will automatically expire upon adjournment of the Senate Higher Education Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 5, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator James DeLeo to temporarily replace Senator Louis Viverito as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 5, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Terry Link to temporarily replace Senator Michael Bond as a member of the Senate Transportation Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Transportation Committee.

Sincerely,
s/John J. Cullerton
Senate President

[May 5, 2009]

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 5, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Tony Muñoz to temporarily replace Senator John Sullivan as a member of the Senate Transportation Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Transportation Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 250

Offered by Senator Clayborne and all Senators:
Mourns the death of Danny Turley.

SENATE RESOLUTION NO. 251

Offered by Senator Demuzio and all Senators:
Mourns the death of Becky A. Daggett of Carlinville.

SENATE RESOLUTION NO. 253

Offered by Senator Demuzio and all Senators:
Mourns the death of Donna C. Lakin of Carlinville.

SENATE RESOLUTION NO. 256

Offered by Senator Collins and all Senators:
Mourns the death of Alton L. Gill, Sr.

SENATE RESOLUTION NO. 257

Offered by Senator Collins and all Senators:
Mourns the death of Mae Anita Leverett of Chicago.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Luechtefeld offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 252

[May 5, 2009]

WHEREAS, Thousands of Americans die each year from mesothelioma, an aggressive cancer caused by asbestos, that attacks the linings of the lungs, abdomen, heart, or testicles; and

WHEREAS, The heavy use of asbestos in manufacturing, industry, and construction has been recognized as "the worst occupational health disaster in U.S. history"; and

WHEREAS, Asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975; and

WHEREAS, A high percentage of mesothelioma victims were exposed to asbestos on naval ships and in shipyards; and

WHEREAS, It is believed that many of the firefighters, police officers, and rescue workers from the site of the World Trade Center destruction on September 11, 2001 may be at increased risk of contracting mesothelioma; and

WHEREAS, Even incidental exposure to asbestos is sufficient to cause cancer as long as 30 years later; and

WHEREAS, The lack of sufficient research to advance effective treatments for Mesothelioma has led to inadequate treatment for those stricken with the disease and has resulted in a situation where the majority of Mesothelioma patients succumb to the disease within a mere 12 to 15 months from the time of diagnosis; and

WHEREAS, In 1999, the Mesothelioma Applied Research Foundation was formed to eradicate the life-ending and vicious effects of mesothelioma, and early progress in developing effective treatments for the disease is now being made; and

WHEREAS, The establishment of Mesothelioma Awareness Day would raise public awareness of the disease and the need to develop effective treatments for this devastating disease; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare September 26 of each year to be Mesothelioma Awareness Day in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Mesothelioma Applied Research Foundation.

Senator Koehler offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 254

WHEREAS, Families, large and small businesses, healthcare providers, and State and local government in Illinois are struggling to access the quality, affordable healthcare that they need to promote healthy families and a healthy economy in their State and nationally; and

WHEREAS, As a result of the national healthcare crisis, health insurance premiums in Illinois increased by 73% between the years 2000 and 2007, while median earnings increased by only 11%; and

WHEREAS, The Illinois median yearly wage in 2007 was \$27,330, while the average healthcare premium for a family was \$12,153; and

WHEREAS, Illinois employers spend an average of \$9,071 per year on family coverage, paying 77% of the total cost of premiums for family coverage; and

[May 5, 2009]

WHEREAS, An average of 700 Illinoisans lose their health insurance every day; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the time for a national solution to the American healthcare crisis that threatens the economic and physical health of the people of Illinois and people across the country is now; and be it further

RESOLVED, That we recognize the urgent need for a national solution to the healthcare crisis that meets key criteria for comprehensive health care reform set forth by President Obama and Health Care for America Now, including the following:

- (1) affordable coverage and care, with premiums and out-of-pocket costs based on a family's ability to pay and a choice of providers that meets our families' needs from preventative care to care for serious illness; and
- (2) a choice of health insurance plans, including the right to keep one's current insurance, choose another private plan, or join a public health insurance plan; and
- (3) equity in healthcare access, treatment, research, and resources to people and communities of color and the strengthening of health services in low-income communities; and
- (4) a system in which government sets and enforces rules on insurance company practices and charges, requiring them to put our healthcare before their profits; and
- (5) coverage that is predictable and affordable for working families, retirees, and small businesses and other employers and that controls costs while improving quality, with measures such as: lowering administrative expenses, investing in preventive care, actively managing disease, setting standards for performance, reducing medical errors, and using the public's purchasing power to lower drug and other prices; and be it further

RESOLVED, That we encourage local governments, families, providers, and businesses across Illinois to work together in 2009 with the newly elected President Obama, the Illinois Congressional delegation, and the leaders of the U.S. Congress to guarantee quality, affordable healthcare for everyone in our State and across the country; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to President Obama, the Illinois Congressional delegation, and the leaders of the U.S. Congress.

Senator Radogno offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 255

WHEREAS, MRSA is an acronym for methicillin-resistant staphylococcus aureus, also known as the "superbug"; MRSA can cause deadly infections in patients in healthcare facilities and within our communities; and

WHEREAS, The Centers for Disease Control and Prevention (CDC) have estimated that hospital-acquired MRSA infections alone killed more than 100,000 U.S. residents in 2006; and

WHEREAS, Consumers Advancing Patient Safety (CAPS), among many other leading consumer healthcare organizations and patient advocates around the globe, are lending their voices to the call of world unity in leadership and commitment in preventing and stopping MRSA, which is pandemic and rising at alarming rates within healthcare facilities and in our communities; the groups also call upon healthcare officials and leaders to step up and take a more comprehensive approach to eradicate this preventable disease and focus on a broad and pro-active prevention program; and

WHEREAS, As an integral part of its multi-faceted program, the MRSA Survivors Network, the first consumer organization in the U.S. to raise the alarm concerning the MRSA epidemic and other multi-drug resistant healthcare-acquired infections, has announced "World MRSA Day", which will be

[May 5, 2009]

held on October 2, 2009 and commemorated each year after on this date; in addition, the month of October will also be designated "MRSA Awareness Month" in order to call attention to this worldwide epidemic; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate October 2, 2009 as "World MRSA Day" in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the MRSA Survivors Network as a symbol of our dedication to the fight against this epidemic.

INTRODUCTION OF BILL

SENATE BILL NO. 2454. Introduced by Senator Martinez, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 17

WHEREAS, The Legislature of the State of Illinois recognizes that Alzheimer's disease is the 21st century's health epidemic; and

WHEREAS, The Legislature of the State of Illinois recognizes that 10 million baby boomers in the United States will develop Alzheimer's disease; and

WHEREAS, The Legislature of the State of Illinois recognizes that one in 8 baby boomers in America will develop Alzheimer's; and

WHEREAS, The Legislature of the State of Illinois recognizes that Alzheimer's disease is the sixth leading cause of death in the United States; and

WHEREAS, As a result of federally funded Alzheimer research, treatments to delay, halt, or reverse the progression of Alzheimer's disease are within reach; and

WHEREAS, New Alzheimer treatments would save millions of baby boomers from Alzheimer's disease and yield \$60 billion in annual Medicare and Medicaid savings within 5 years after a breakthrough; and

WHEREAS, Federal funding to pursue Alzheimer research has remained level for the past 4 years; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the members of the Illinois delegation to the United States Congress to increase fiscal year 2010 funding for Alzheimer research at the National Institutes of Health by \$125 million to find treatments to delay or reverse the progression of Alzheimer's disease; and be it further

[May 5, 2009]

RESOLVED, That a suitable copy of this resolution be sent to each member of the Illinois Congressional delegation.

Adopted by the House, April 22, 2009.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 17 was referred to the Committee on Assignments.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 37

WHEREAS, Since 1949, the Hemophilia Foundation of Illinois has worked to improve the quality of life for over 1,800 Illinois residents and their families who are affected by inherited bleeding disorders; and

WHEREAS, Hemophilia is characterized by the absence of one of the several clotting factors necessary to control bleeding, with the standard care of treatment being the replacement of absent clotting factors necessary to control the bleeding; and

WHEREAS, In addition to serving people with hemophilia, the Foundation also provides services to Illinois residents with other types of bleeding disorders, including von Willebrand disease, which inflicts 1-2% of the general population; and

WHEREAS, Treatment for hemophilia requires regular intravenous infusions; without treatment, people with hemophilia face frequent, spontaneous bleeding episodes in their joints, causing swelling in the joints, muscles, internal organs, and brain; repeated bleeding episodes in joints results in a chronic degenerative arthritic condition, which often leads to frequent hospitalizations, permanent disability, and chronic pain; bleeding episodes involving internal organs and the brain can cause permanent damage, disability, and even death; severe bleeding episodes result in lost time at school and/or work, decreased quality of life, and the inability to perform basic living activities; and

WHEREAS, With proper care and access to comprehensive medical resources, people living with hemophilia can control bleeding episodes and can lead productive lives; federally funded hemophilia treatment centers provide comprehensive medical care to persons with hemophilia, von Willebrand disease, and other bleeding and clotting disorders; and

WHEREAS, The Medical and Scientific Advisory Committee of the National Hemophilia Foundation recommends recombinant factor products as the choice for persons with Hemophilia VIII and IX, the treatment of which is extremely costly; the Foundation has made a difference in the lives of such people by helping them with insurance questions, medical expenses, and keeping them informed about advances in treatment; and

WHEREAS, Although there is no cure for these genetic disorders, the Hemophilia Foundation of Illinois supports research in health care advancements to create safer blood products, giving persons with these diseases the ability to manage their condition and minimize chronic complications; and

WHEREAS, Hemophilia and other inherited bleeding disorders ARE not well understood by the general public; and

WHEREAS, Since 1972, Illinois has expressed its committed to proper care and treatment of children
[May 5, 2009]

and adults with hemophilia and other related bleeding disorders through the enactment of the Hemophilia Care Program, as well as the recently reenacted Hemophilia Advisory Review Board in 2007; in addition, the 2004 resolution designating March as Hemophilia Awareness Month focused on enhancing the understanding and proper treatment of hemophilia and to encourage participation in activities to support programs to properly treat hemophilia; and

WHEREAS, Members of the Hemophilia Foundation of Illinois and its extended community of supporters across the great state of Illinois are celebrating Hemophilia Awareness Month by visiting Springfield to participate in a Legislative Advocacy Day at the Capitol on March 17, 2009; and

WHEREAS, The Hemophilia Foundation of Illinois is celebrating its 60th anniversary in 2009 to recognize its efforts in providing education, advocacy, and consumer services for the Illinois bleeding disorder community; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we applaud and honor the Hemophilia Foundation of Illinois for its 60 years of dedicated, outstanding service to the Illinois bleeding disorder community; and be it further

RESOLVED, That we once again recognize and commemorate the month of March as Hemophilia Awareness Month in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Hemophilia Foundation of Illinois as a symbol of our respect and esteem.

Adopted by the House, April 30, 2009.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 37 was referred to the Committee on Assignments.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 39

WHEREAS, In 1993, Public Act 88-496 established the Leaking Underground Storage Tank (LUST) program; and

WHEREAS, The purpose of the LUST program is, in accordance with the requirements of the Federal Hazardous and Solid Waste Amendments of 1984 of the Resource Conservation and Recovery Act of 1976 and in accordance with the State's interest to protect the environment, to establish procedures for the remediation of environmental contamination caused by leaking underground storage tanks; to oversee and review any required remediation of sites containing those tanks; to establish an Underground Storage Tank Fund to satisfy the financial responsibility requirements imposed by federal and State laws and regulations; and to establish procedures for persons eligible to seek payment from the Fund for costs associated with remediation; and

WHEREAS, Illinois motor fuel taxes and environmental impact fees have financed the Fund; and

WHEREAS, Over the course of its operation, the Fund has paid over \$1 billion for eligible environmental clean-ups; and

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WHEREAS, During this period, the Fund has twice experienced funding shortages, the current shortage requiring applicants for reimbursement to wait up to 18 months for payment; and

WHEREAS, There is currently a backlog of unpaid claims totaling \$62 million; and

WHEREAS, If the Fund is not solvent, Illinois tank owners and operators will be forced to find more costly methods to satisfy their financial responsibility obligations under federal and State laws and regulations; and

WHEREAS, The Illinois Environmental Protection Agency estimates under the current system a future liability of \$864 million to clean up projected 6500 leaking underground storage tank sites in Illinois over the next 20 years; and

WHEREAS, Under the current system, the existing funding sources will not be sufficient to keep up with the costs; and

WHEREAS, The cost of an average leaking underground storage tank site where costs are reimbursed from the Fund is significantly higher than in other states; and

WHEREAS, Current law does not contain adequate methods for monitoring and controlling costs at leaking underground storage tank sites where costs are reimbursed from the Fund; and

WHEREAS, The General Assembly finds that it is necessary to form a Task Force to study the significant problems that the Fund currently faces; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created an Underground Storage Tank Task Force to study the significant problems that the Underground Storage Tank Fund faces and to suggest a new approach to determine how moneys in the Fund will be used to pay for corrective action costs in addressing petroleum releases at sites and to study ways to monitor and control the costs of clean-up of leaking underground storage tank sites; and be it further

RESOLVED, That the Task Force shall consist of 11 members appointed as follows:

- (1) One person appointed by the Speaker of the House, who shall serve as cochairman of the Task Force;
- (2) One person appointed by the Minority Leader of the House;
- (3) One person appointed by the President of the Senate, who shall serve as cochairman of the Task Force;
- (4) One person appointed by the Minority Leader of the Senate;
- (5) The Director of the Illinois Environmental Protection Agency, or his or her representative;
- (6) One person representing the Office of the State Fire Marshall;
- (7) One person, designated by the President of a petroleum marketers' association in Illinois;
- (8) One person, designated by the Director of the Illinois Environmental Protection Agency, of a petroleum council in Illinois;
- (9) One person, designated by the Director of the Illinois Environmental Protection Agency, of an association of petroleum and environmental engineers in Illinois;
- (10) One person, designated by the Director of the Illinois Environmental Protection Agency, of an association of convenience stores in Illinois;
- (11) One person, designated by the Director of the Illinois Environmental Protection Agency, of a council of engineering companies in Illinois; and be it further

RESOLVED, That the approaches studied by the Task Force shall include, but shall not be limited to, the following:

- (1) In order to prevent the recurrence of a backlog of unpaid claims, requiring that the total costs approved for reimbursement from the Fund not exceed the monies in the Fund available to

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pay the costs;

(2) Requiring that costs reimbursed from the Fund be minimized to the greatest extent practicable, including, but not limited to, utilization of the Illinois Pollution Control Board's risk-based corrective action rules to the greatest extent practicable;

(3) Requiring that costs that will be reimbursed from the Fund be pre-approved by the State before they are incurred;

(4) Prioritizing approvals of costs that will be reimbursed from the Fund so that (1) sites posing a greater threat to human health and the environment receive higher priority than sites posing a lesser threat to human health and the environment, and (2) sites with operating underground storage tanks at the time of the release receive higher priority than sites without operating underground storage tanks at the time of the release;

(5) Competitive bidding of costs that will be reimbursed from the Fund, with such bidding including, but not being limited to, public notice of bid proposals; and be it further

RESOLVED, That the Illinois Environmental Protection Agency shall provide staff and support for the Task Force; and be it further

RESOLVED, That the members of the Task Force shall receive no compensation for serving as members of the Task Force; and be it further

RESOLVED, That the Task Force shall make its recommendations on proposed solutions to the significant problems facing the Leaking Underground Storage Tank Program and Fund and shall submit a report of its findings to the Governor and the General Assembly by December 31, 2009.

Adopted by the House, April 30, 2009.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 39 was referred to the Committee on Assignments.

ANNOUNCEMENT

Senator Syverson announced a Republican caucus to begin at 12:45 o'clock p.m.

POSTING NOTICE WAIVED

Senator Muñoz moved to waive the six-day posting requirement on **House Bill No. 853** so that the bill may be heard in the Committee on Transportation that is scheduled to meet May 5, 2009.

The motion prevailed.

At the hour of 12:21 o'clock p.m., Senator Muñoz, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 5, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Floor Amendment No. 1 to Senate Bill 2300.**

Commerce: **Senate Floor Amendment No. 1 to House Bill 852; Senate Floor Amendment No. 2 to House Bill 4186.**

[May 5, 2009]

Criminal Law: Senate Committee Amendment No. 1 to House Bill 164; Senate Committee Amendment No. 1 to House Bill 648; Senate Committee Amendment No. 1 to House Bill 2450; Senate Committee Amendment No. 1 to House Bill 3717; Senate Floor Amendment No. 1 to House Bill 656; Senate Floor Amendment No. 2 to House Bill 656.

Education: Senate Committee Amendment No. 1 to House Bill 363; Senate Committee Amendment No. 1 to House Bill 2448; Senate Committee Amendment No. 1 to House Bill 2675; Senate Committee Amendment No. 1 to House Bill 3245; Senate Floor Amendment No. 1 to House Bill 740; Senate Floor Amendment No. 2 to Senate Bill 611.

Elections: Senate Committee Amendment No. 1 to House Bill 85.

Energy: Senate Committee Amendment No. 1 to House Bill 3217.

Environment: Senate Committee Amendment No. 1 to House Bill 2491.

Executive: Senate Committee Amendment No. 1 to House Bill 37; Senate Committee Amendment No. 1 to House Bill 1060; Senate Committee Amendment No. 1 to House Bill 1322; Senate Committee Amendment No. 1 to House Bill 2547; Senate Committee Amendment No. 1 to House Bill 2651; Senate Floor Amendment No. 1 to House Bill 3658; Senate Floor Amendment No. 1 to Senate Bill 331.

Gaming: Senate Committee Amendment No. 2 to House Bill 261; Senate Committee Amendment No. 3 to House Bill 261.

Higher Education: Senate Committee Amendment No. 1 to House Bill 437; Senate Committee Amendment No. 1 to House Bill 1143; Senate Committee Amendment No. 1 to House Bill 2573.

Human Services: Senate Committee Amendment No. 1 to House Bill 2280; Senate Committee Amendment No. 1 to House Bill 3642; Senate Committee Amendment No. 1 to House Bill 3981; Senate Committee Amendment No. 1 to House Bill 4054.

Insurance: Senate Committee Amendment No. 1 to House Bill 418; Senate Committee Amendment No. 1 to House Bill 2652; Senate Committee Amendment No. 1 to House Bill 4241.

Judiciary: Senate Committee Amendment No. 1 to House Bill 236; Senate Committee Amendment No. 1 to House Bill 271; Senate Committee Amendment No. 2 to House Bill 271; Senate Committee Amendment No. 1 to House Bill 3863; Senate Committee Amendment No. 1 to House Bill 3950; Senate Floor Amendment No. 1 to House Bill 756; Senate Floor Amendment No. 1 to House Bill 2266; Senate Floor Amendment No. 1 to House Bill 2283; Senate Floor Amendment No. 1 to Senate Bill 941.

Licensed Activities: Senate Committee Amendment No. 1 to House Bill 786; Senate Committee Amendment No. 1 to House Bill 1175; Senate Floor Amendment No. 2 to House Bill 1293; Senate Floor Amendment No. 3 to House Bill 1329.

Local Government: Senate Committee Amendment No. 1 to House Bill 793; Senate Floor Amendment No. 1 to House Bill 1597; Senate Floor Amendment No. 1 to House Bill 2425.

Pensions and Investments: Senate Committee Amendment No. 1 to House Bill 306.

Public Health: Senate Committee Amendment No. 1 to House Bill 9; Senate Committee Amendment No. 1 to House Bill 404; Senate Committee Amendment No. 1 to House Bill 746; Senate Committee Amendment No. 1 to House Bill 921; Senate Committee Amendment No. 1 to House Bill 3767; Senate Committee Amendment No. 1 to House Bill 3878; Senate Committee Amendment No. 1 to House Bill 3922; Senate Committee Amendment No. 1 to House Bill 4047.

Revenue: Senate Committee Amendment No. 1 to House Bill 4120.

[May 5, 2009]

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to House Bill 177; Senate Committee Amendment No. 1 to House Bill 489; Senate Floor Amendment No. 1 to House Bill 3970.**

Transportation: **Senate Committee Amendment No. 1 to House Bill 72; Senate Committee Amendment No. 1 to House Bill 853; Senate Committee Amendment No. 1 to House Bill 3832; Senate Floor Amendment No. 1 to House Bill 931; Senate Floor Amendment No. 1 to House Bill 2625.**

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced that committees will meet this afternoon as previously scheduled.

The Chair noted that the revised meeting time for the Committee on Criminal Law is tomorrow morning at 8:00 o'clock a.m.

At the hour of 12:42 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 6, 2009, at 10:30 o'clock a.m.