

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

24th Legislative Day

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PRESIDING OFFICER: (SENATOR LINK)

The regular Session of the 98th General Assembly will please come to order. Will our Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Pastor David Anderson, Modesto Christian Church, Modesto, Illinois. Pastor.

PASTOR DAVID ANDERSON:

(Prayer by Pastor David Anderson)

PRESIDING OFFICER: (SENATOR LINK)

Please remain standing for the Pledge Allegiance. Senator Jacobs.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Wednesday, March 13th, 2013.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move to postpone the reading and approval of the Journal just read by the Secretary, pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR LINK)

Senator Hunter moves to postpone the reading and approval of the Journal, pending the arrival of the printed transcripts. There being no objection, so ordered. Mr. Secretary, please identify each Appointment Message on the Denial of Appointment Calendar that is on its sixtieth Session day.

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SECRETARY ANDERSON:

Appointment Message 396.

PRESIDING OFFICER: (SENATOR LINK)

Ladies and Gentlemen, the Appointment Message just read is on its sixtieth Session day and remains on the Denial of Appointment Calendar; therefore, the Appointment Message of 396, pursuant to our rules, is deemed to have not received the advice and consent of the Senate and is hereby rejected by the Senate pursuant to Article V, Section 9 of the Illinois Constitution. The Journal shall -- shall reflect that the Senate has rejected the Appointment Message of 396 and that the Secretary shall inform the Governor of the Senate's action in rejecting the Governor's nominations {sic}. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 161, offered by Senators Althoff, McConnaughay and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Consent Calendar. Any further... Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Holmes, Chairperson of the Committee on Environment, reports Senate Bills 1704 and 1930 Do Pass; and Senate Bills 72 and 2183 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, House Bills 1st Reading.

SECRETARY ANDERSON:

House Bill 64, offered by Senator Collins.

(Secretary reads title of bill)

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1st Reading of this House bill.

PRESIDING OFFICER: (SENATOR LINK)

Senator Bivins in the Chair.

SENATOR BIVINS:

Thank you, Mr. President. If I can have your attention, I'd like to introduce a young man to you today. He is the FFA State President. His name is Darren Riskedal. He's nineteen, of LaSalle County, Illinois. He is the 2012-2013 Illinois FFA President. Darren graduated from Leland High School in May of 2011 and he was in the Somonauk-Leland-Sandwich FFA, where he served as chapter reporter, vice-president, and president. He served as the 2011-2012 (Section) 7 FFA President while a freshman at Joliet Junior College. And after serving as the Illinois State President, Darren plans to attend Joliet Junior College for a second year before transferring to the University of Illinois, where he will major in Technical Systems Management. Ladies and Gentlemen of the Senate, please welcome FFA State President Darren Riskedal.

2012-2013 ILLINOIS STATE FFA PRESIDENT DARREN RISKEDAL:

(Remarks by 2012-2013 Illinois State FFA President Darren Riskedal)

PRESIDING OFFICER: (SENATOR LINK)

Senator LaHood in the Chair.

SENATOR LAHOOD:

Thank you, Mr. President. I have the honor today to introduce Amelia Martens, who's Miss Illinois County Fair for 2013. The reigning Miss Illinois County Fair Queen is from Orion, Illinois, which is in Henry County and in my district. She represented Rock Island County Fair at the annual pageant

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held during the 103rd Illinois Association of Agricultural Fairs Convention this past January. As the 54th Miss Illinois County Fair Queen, Miss Martens will be the official hostess of the Illinois and DuQuoin State Fairs this summer. She will also travel throughout the State this summer to promote county fairs and State fairs. Amelia is the daughter of Patrick and Annette Martens, who are here today and are very proud parents of Amelia. Amelia is a senior at the University of Illinois, majoring in Agricultural Communications. Miss Martens plans to work in communications for an agricultural company when she graduates. She currently is a student researcher for John Deere Technology Innovation (Center). She was Valedictorian of her high school class at Orion and the National Winner in FFA Agricultural Communications Proficiency Area. Amelia enjoys being outdoors, enjoys running, exercising and writing. Please give a warm Senate welcome to Amelia Martens, 2013 Fair Queen.

2013 MISS ILLINOIS COUNTY FAIR QUEEN AMELIA MARTENS:

(Remarks by 2013 Miss Illinois County Fair Queen Amelia Martens)

PRESIDING OFFICER: (SENATOR LINK)

Just another friendly reminder to all of my colleagues, the deadline for filing committee amendments is this Friday, March 15th, at 12 noon. Let me repeat that again: The deadline for filing committee amendments is Friday, March 15th, at 12 noon. That's tomorrow. Thank you. Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR LINK)

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State your point.

SENATOR SULLIVAN:

Mr. President, Ladies and Gentlemen of the Senate, I have a special guest with me here today. This young man is Frank Hopper. He's from Petersburg in Menard -- Menard -- Menard County. I think we've decided Senator Brady's constituent. He's a student at Lincoln Land College, where he was a student trustee. He has an interest in politics, government, elections. He actually said he'd like to be a Chief of Staff for somebody someday. So -- and I told him that -- that's a tall order. But would everybody join me in welcoming Frank Hopper to the Illinois State Senate.

PRESIDING OFFICER: (SENATOR LINK)

Welcome to the Senate. Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your point.

SENATOR HUNTER:

I have with me today my district administrator. This lady, her name is Janis McReynolds, and she runs my office. She makes things flow and she makes me look good, and she is also the aunt of my Communications Intern, Sydney Mulligan {sic} (Milligan). So we'd like to welcome Janis to Springfield.

PRESIDING OFFICER: (SENATOR LINK)

Welcome to the Illinois Senate. Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

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Purpose of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

State your announcement.

SENATOR SILVERSTEIN:

We will have a Democratic Caucus immediately, for about one hour, in the President's Office.

PRESIDING OFFICER: (SENATOR LINK)

Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Thank you, Mr. President. The Senate Republicans would also like to caucus, in Room 400, for about an hour.

PRESIDING OFFICER: (SENATOR LINK)

We'll think about it. Senator Silverstein and Senator Althoff move that the Senate recess for the purpose -- recess for the purpose of one hour -- a Senate Democratic and Republican Caucus. Seeing no objection, the motion is granted. The Senate now stands in recess to the call of the Chair after the caucuses. Senate now stands in recess to the call of the Chair. Senate committees will meet. The Senate will reconvene after the committee meetings for the purpose of Floor action. The Senate now stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LINK)

The Senate will please come to order. Ed Cross seeks leave of the Body, from WAND-TV, to video. Seeing no opposition, permission is granted. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

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Senator Jacobs, Chairperson of the Committee on Energy, reports Senate Bills 1458, 2185, 2191 and 2365 Do Pass; and Senate Bill 1469 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Committee Report Corrections.

SECRETARY ANDERSON:

The following correction was made on the report from the Senate Committee on Revenue, which, on March 13th, 2013, reported Senate Bill 2209 with a recommendation of Do Pass. Senate Bill 2209 was referred to the Senate Revenue Subcommittee on Tax Credits.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Joint Resolution 29, offered by Senator Frerichs. It is substantive.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Introduction of Senate Bills.

SECRETARY ANDERSON:

Senate Bill 2577, offered by Senator Landek.

(Secretary reads title of bill)

1st Reading of this Senate bill.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

A Message from the House by Mr. Mapes, Clerk.

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

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concurrence of the Senate, to wit:

House Joint Resolution No. 12.

Offered by Senator McCann. And adopted by the House, March 14th, 2013. Timothy D. Mapes, Clerk of the House. It is substantive, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Mr. Secretary, House Bills 1st Reading.

SECRETARY ANDERSON:

House Bill 1003, offered by Senator Stadelman.

(Secretary reads title of bill)

House Bill 1295, offered by Senator Sandoval.

(Secretary reads title of bill)

House Bill 1388, offered by Senator Martinez.

(Secretary reads title of bill)

House Bill 1458, offered by Senator Martinez.

(Secretary reads title of bill)

House Bill 2269, offered by Senator Harris.

(Secretary reads title of bill)

House Bill 2361, offered by Senator Clayborne.

(Secretary reads title of bill)

1st Reading of these House bills.

PRESIDING OFFICER: (SENATOR LINK)

Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

I have a special announcement.

PRESIDING OFFICER: (SENATOR LINK)

State your announcement.

SENATOR McCARTER:

I'd like -- if we could call attention here in the -- the

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Senate Chambers.

PRESIDING OFFICER: (SENATOR LINK)

Can we have it quiet on the Senate Floor for an announcement? Senator McCarter.

SENATOR McCARTER:

Thank you. It is -- it was with deep regret that we announced back in November the tragic death of Trooper Kyle Deatherage. Trooper Deatherage, thirty-two years old, was killed in the line of duty during a traffic stop on Interstate 55 north of Litchfield. Trooper Deatherage was struck by a semi -- tractor -- truck tractor-semitrailer while standing next to the violator's car. Trooper Deatherage was assigned to the District 18 as a motorcycle officer. Trooper Deatherage began his ISP career with the Cadet Class 117 on May 31st, 2009, and was assigned to the District 18 after graduating from the academy. I'd like to now read from Senate Resolution Number 1005.

(Senator McCarter reads SR No. 1005)

I call your attention to his family in the President's Gallery behind us and I'd ask for a moment of silence. (Moment of silence observed)

PRESIDING OFFICER: (SENATOR LINK)

Senate Bills on 2nd Reading. Senate President Cullerton, on Senate Bill 1. He wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 1.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted

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Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR LINK)

Are -- have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Will all the Members turn to page 8, to middle of the page. We'll be going to 3rd Reading. This is final action. President Cullerton, on Senate Bill 9. Do you wish to proceed? Senator Cullerton wish -- seeks leave of the Body to return Senate Bill 9 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate Bill 9. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR LINK)

Senator Cullerton.

SENATOR J. CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill deals with what had commonly been referred to as the smart grid bill, a follow-up to the smart grid bill, and this amendment was worked out with the House -- amending the bill to reduce the time frame by which a participating utility has to ensure that its infrastructure investment program is in compliance from eighteen months to twelve months. So it speeds up the time by which they have to comply. Move for its adoption.

PRESIDING OFFICER: (SENATOR LINK)

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Is there any discussion? All those in favor will signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. Senate Bill 9. President Cullerton, do you wish to proceed? He indicates that he will. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LINK)

President Cullerton, on Senate Bill 9, as amended.

SENATOR J. CULLERTON:

Thank you, Mr. President, Members of the Senate. The 97th General Assembly enacted the Energy Infrastructure Modernization Act, otherwise known as smart grid, to establish a regulatory framework that enables the State's two largest electric utilities, ComEd and Ameren, to invest billions of dollars into modernizing the Illinois electrical grid. The Commerce Commission, however, in my opinion, misinterpreted the statutory directives of the Act and thwarted the General Assembly's intent to create jobs, modernize the Illinois electric grid, and to improve service and reliability. Senate Bill 9, as amended, corrects the ICC's interpretation that were identified, by the way, in Senate Resolution 821 and House Resolution 1157 and

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establishes processes to get the infrastructure and grid modernization programs back on track. Specifically, the legislation clarifies and restates that the utilities are to recover costs based on, number one, pension assets as they are reported on FERC Form 1; number two, year-end rate base and capital structure; and, number three, interest rates determined by the weighted average cost of capital. To get the intended infrastructure programs back on schedule...

PRESIDING OFFICER: (SENATOR LINK)

Excuse me, Mr. President. Can everybody please keep the noise down so we can hear this? People are having a hard time listening. Okay? Thank you.

SENATOR J. CULLERTON:

To get the intended infrastructure programs back on track, Senate Bill 9 gives the utilities the ability to retroactively recover cost deficiencies by filing new tariffs and provides the utilities with twelve months to ensure that their infrastructure investment programs comply with the Energy Infrastructure Modernization Act. I would be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LINK)

He indicates he will.

SENATOR HARMON:

Thank you. President Cullerton, I -- I understand that the amendment makes language changes to the formula rate protocols

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in the smart grid law, which took effect in October 2011 after supermajority votes in each Chamber. My understanding is that these changes are limited to conforming -- or, to confirming and clarifying the existing protocols. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

President Cullerton.

SENATOR J. CULLERTON:

Yes, that is correct.

PRESIDING OFFICER: (SENATOR LINK)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. President Cullerton, I understand that the amendment allows the utilities to file revised tariffs that correct the errors reflected in the prior ICC orders. Is that correct?

PRESIDING OFFICER: (SENATOR LINK)

President Cullerton.

SENATOR J. CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. President Cullerton, the ICC has issued orders that are inconsistent with the -- with the bill. Does the bill supersede those inconsistent rulings in the ICC orders?

PRESIDING OFFICER: (SENATOR LINK)

President Cullerton.

SENATOR J. CULLERTON:

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Yes.

PRESIDING OFFICER: (SENATOR LINK)

Leader Harmon.

SENATOR HARMON:

Thank you, Mr. President. I also understand that there are many issues on appeal from the cases decided by the ICC under the smart grid law, many of which go beyond the issues covered in this bill. Is it correct that the bill does not impact issues on appeal that are not addressed by the bill?

PRESIDING OFFICER: (SENATOR LINK)

President Cullerton.

SENATOR J. CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR LINK)

Leader Harmon.

SENATOR HARMON:

Thank you, Mr. President. One last question. Is it correct that the Illinois Commerce Commission has seen this language and agrees that it is clear and unambiguous?

PRESIDING OFFICER: (SENATOR LINK)

President Cullerton.

SENATOR J. CULLERTON:

Yes. The Commerce Commission, the Illinois Commerce Commission, was provided with drafts of the legislation. At its request, a number of changes were made to clarify language that they did not believe was completely clear. With those changes which, with this bill, are part of the legislation, the ICC has represented that it is in agreement that the language of the bill is clear and unambiguous.

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PRESIDING OFFICER: (SENATOR LINK)

Is there any further discussion? Seeing none, President Cullerton, to close.

SENATOR J. CULLERTON:

Simply ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LINK)

The question is, shall Senate Bill 9 pass. All those in favor will vote Aye. The opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. There being 44 Ayes, 9 Nays and 1 voting Present, the bill has -- has received the required constitutional majority and is declared passed. Mr. Secretary, Resolutions. On the Order of Resolutions, on page 13, in the middle of the desk {sic}, Senate Joint Resolution 143. Mr. Secretary, please read the resolution. Senate Resolution 143.

SECRETARY ANDERSON:

Senate Resolution 143, offered by Senator Muñoz.

PRESIDING OFFICER: (SENATOR LINK)

Senate -- Senator Muñoz, on Senate Resolution 143.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Resolution 143 designates March 14th, 2014 {sic} (2013), as Manuel Perez Jr. Day. Ladies and Gentlemen, if I can have your attention please, I'd appreciate it.

PRESIDING OFFICER: (SENATOR LINK)

Hold on. Can we keep the -- can we keep the noise down in the Chamber, please? This is an important resolution. Senator Muñoz.

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SENATOR MUÑOZ:

As I stated, we wanted to have 143 designate March 14, 2014 {sic}, as Manuel Perez Jr. Day. Ladies and Gentlemen of the Senate, this individual, why we're doing this for, fought in World War II. He was with the 511th Parachute Infantry Regiment of the 11th -- 11th Division -- Airborne Division. He was a scout for Company A, and on February 13th, 1945, led the charge that neutralized eleven of the twelve pillboxes defending the enemy-held Fort McKinley. In one particular incidence, in order to allow the advancement of his company, he broke from group and single-handedly killed eighteen enemies in hand-to-hand combat, neutralizing the pillbox housing twin .50-caliber guns. For that heroic action, he was awarded the Medal of Honor. For those of you who remember Senator Bill O'Daniel, Senator O'Daniel -- downstate - I was a freshman here in 1999 - and he says, "Young man," - he was sitting right there in that chair and I happened to be sitting across from Carl Hawkinson - he says, "you ever hear of Manuel Perez?" And I said, "Yes, sir. We have an American Legion named after him." He goes, "Well, I served in World War II with him and we jumped in the Nijmegen/Sainte-Mere-Eglise, and he saved my life, not once but twice, and we were both wounded, and the third time, he brought me back and that's when he was killed by sniper fire." So, Bill O'Daniel had tears in his eyes and he said, "If it wasn't for that man, I wouldn't be here alive today talking to you." So, Ladies and Gentlemen, we're doing this for a great man, and Bill O'Daniel is also a great person too. So if you ever see Bill O'Daniel, thank him for his great service to our country as well. Thank you. I ask for its adoption.

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PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? Seeing none, the question is, shall Senate -- Senate Resolution 143 pass. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. The Senate will stand at ease so the Committee on Assignments can meet in the President's Anteroom. The Senate will stand at ease. (at ease) The Senate will please come to order. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - Floor Amendment 1 to Senate Bill 1589, Floor Amendment 1 to Senate Bill 1620, and Senate Bill 2362; refer to Appropriations II Committee - Committee Amendment 1 to Senate Bill 1904; refer to Education Committee - Committee Amendment 1 to Senate Bill 2157; refer to Executive Committee - Committee Amendment 1 to Senate Bill 1788; refer to Higher Education Committee - Committee Amendment 1 to Senate Bill 1746 and Committee Amendment 1 to Senate Bill 2245; refer to Human Services Committee - Senate Bill 1454 and Senate Bill 1893; refer to Insurance Committee - Senate Bill 1626; refer to Judiciary Committee - Committee Amendment 1 to Senate Bill 31, Committee Amendment 1 to Senate Bill 1443, Committee Amendment 1 to Senate Bill 1615; refer to Licensed Activities and Pensions Committee - Committee Amendment 2 to Senate Bill 1217, Committee Amendment 3 to Senate Bill...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR LINK)

Senate Bill -- or, Senate Bill 1894. Senator Hutchinson,

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do you wish to proceed? She indicates she will. Are there any Floor amendments -- Senator... Mr. Secretary, read the bill.

SECRETARY ANDERSON:

Senate Bill 1894.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendment No. 2.

PRESIDING OFFICER: (SENATOR LINK)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR LINK)

3rd Reading. We will now proceed to the Order of Resolution Consent Calendar. With leave of the Body, all resolutions read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to the -- any resolutions on the Consent Calendar?

SECRETARY ANDERSON:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR LINK)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the resolution -- are adopted. On the Order of Resolutions is -- is Senate Joint Resolution 28. Mr. Secretary, read the resolution.

SECRETARY ANDERSON:

Senate Joint Resolution 28.

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(Secretary reads SJR No. 28)

PRESIDING OFFICER: (SENATOR LINK)

Senator Clayborne moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 28. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Clayborne moves for the adoption of Senate Joint Resolution 28. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 11 a.m. on the 19th day of March, 2013. The Senate stands adjourned.