



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

15TH LEGISLATIVE DAY

THURSDAY, MARCH 5, 2015

12:03 O'CLOCK P.M.

SENATE
Daily Journal Index
15th Legislative Day

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The Senate met pursuant to adjournment.
Senator Kimberly A. Lightford, Maywood, Illinois, presiding.
Prayer by Father Jim Swarthout, Rosecrance Health Network, Rockford, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Cunningham moved that reading and approval of the Journal of Wednesday, March 4, 2015, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of Public Act 98-1142 (Eavesdropping), submitted by the Massac County State's Attorney.

Reporting Requirement of Public Act 98-1142 (Eavesdropping), submitted by the Washington County State's Attorney.

Reporting Requirement of Public Act 98-1142 (Eavesdropping), submitted by the Whiteside County State's Attorney.

Reporting Requirement of Public Act 98-1142 (Eavesdropping), submitted by the Franklin County State's Attorney.

Report Pursuant to Public Act 87-552 (Flex time), submitted by the Illinois Labor Relations Board.

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 203

Offered by Senator Haine and all Senators:
Mourns the death of Bob Moore of Alton.

SENATE RESOLUTION NO. 204

Offered by Senator Muñoz and all Senators:
Mourns the death of Jesus Talavera, Jr., of Chicago.

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

REPORTS FROM STANDING COMMITTEES

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bill No. 1246**, reported the same back with the recommendation that the bill do pass.
Under the rules, the bill was ordered to a second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, to which was referred **Senate Bills Numbered 837, 842 and 1205**, reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, to which was referred **Senate Bill No. 718**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **Senate Bill No. 107**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Koehler, Chairperson of the Committee on Environment and Conservation, to which was referred **Senate Bills Numbered 1377 and 1378**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 123

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 130

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 219

A bill for AN ACT concerning local government.

HOUSE BILL NO. 220

A bill for AN ACT concerning local government.

HOUSE BILL NO. 228

A bill for AN ACT concerning State government.

HOUSE BILL NO. 330

A bill for AN ACT concerning business.

Passed the House, March 4, 2015.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 123, 130, 219, 220, 228 and 330** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1285

A bill for AN ACT concerning employment.

HOUSE BILL NO. 1319

A bill for AN ACT concerning civil law.

HOUSE BILL NO. 1345

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 1363

A bill for AN ACT concerning local government.

Passed the House, March 4, 2015.

TIMOTHY D. MAPES, Clerk of the House

[March 5, 2015]

The foregoing **House Bills Numbered 1285, 1319, 1345 and 1363** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 123, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 130, sponsored by Senator McGuire, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 228, sponsored by Senator Connelly, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 405, sponsored by Senator LaHood, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1285, sponsored by Senator J. Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1319, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator J. Cullerton, **Senate Bill No. 23** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 43** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 82** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Manar, **Senate Bill No. 675** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 784** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hastings, **Senate Bill No. 833** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 844** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 844

AMENDMENT NO. 1. Amend Senate Bill 844 by replacing everything after the enacting clause with the following:

"Section 5. The Drug Court Treatment Act is amended by changing Section 20 as follows:

(730 ILCS 166/20)

Sec. 20. Eligibility.

(a) A defendant may be admitted into a drug court program before adjudication only upon the agreement of the prosecutor and the defendant and with the approval of the court. A defendant may be admitted into a drug court program post-adjudication only with the approval of the court.

(b) A defendant shall be excluded from a drug court program if any of one of the following apply:

- (1) The crime is a crime of violence as set forth in clause (4) of this subsection (b).
- (2) The defendant denies his or her use of or addiction to drugs.
- (3) The defendant does not demonstrate a willingness to participate in a treatment program.

(4) The defendant has been convicted of a crime of violence within the past 10 years excluding incarceration time, including but not limited to: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.

(5) ~~(Blank). The defendant has previously completed or has been discharged from a drug court program.~~

(Source: P.A. 92-58, eff. 1-1-02.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 1249** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 1253** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 1319** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1319

AMENDMENT NO. 1. Amend Senate Bill 1319 as follows:

on page 1, line 5, after "2-3.12," by inserting "2-3.25o,"; and

on page 8, immediately below line 17, by inserting the following:

"(105 ILCS 5/2-3.25o)

Sec. 2-3.25o. Registration and recognition of non-public elementary and secondary schools.

(a) Findings. The General Assembly finds and declares (i) that the Constitution of the State of Illinois provides that a "fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities" and (ii) that the educational development of every school student serves the public purposes of the State. In order to ensure that all Illinois students and teachers have the opportunity to enroll and work in State-approved educational institutions and programs, the State Board of Education shall provide for the voluntary registration and recognition of non-public elementary and secondary schools.

(b) Registration. All non-public elementary and secondary schools in the State of Illinois may voluntarily register with the State Board of Education on an annual basis. Registration shall be completed in conformance with procedures prescribed by the State Board of Education. Information required for registration shall include assurances of compliance (i) with federal and State laws regarding health examination and immunization, attendance, length of term, and nondiscrimination and (ii) with applicable fire and health safety requirements.

(c) Recognition. All non-public elementary and secondary schools in the State of Illinois may voluntarily seek the status of "Non-public School Recognition" from the State Board of Education. This status may be obtained by compliance with administrative guidelines and review procedures as prescribed by the State Board of Education. The guidelines and procedures must recognize that some of the aims and the financial bases of non-public schools are different from public schools and will not be identical to those for public schools, nor will they be more burdensome. The guidelines and procedures must also

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recognize the diversity of non-public schools and shall not impinge upon the noneducational relationships between those schools and their clientele.

(c-5) Prohibition against recognition. A non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless the school requires all certified and non-certified applicants for employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses set forth in Section ~~21B-80~~ ~~21-23a~~ of this Code or have been convicted, within 7 years of the application for employment, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.

Authorization for the check shall be furnished by the applicant to the school, except that if the applicant is a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school, then only one of the non-public schools employing the individual shall request the authorization. Upon receipt of this authorization, the non-public school shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police.

The Department of State Police and Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereafter, until expunged, to the president or principal of the non-public school that requested the check. The Department of State Police shall charge that school a fee for conducting such check, which fee must be deposited into the State Police Services Fund and must not exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse non-public schools for fees paid to obtain criminal history records checks under this Section.

A non-public school may not obtain recognition status unless the school also performs a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant for employment, after July 1, 2007, to determine whether the applicant has been adjudicated a sex offender.

Any information concerning the record of convictions obtained by a non-public school's president or principal under this Section is confidential and may be disseminated only to the governing body of the non-public school or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon a check of the Statewide Sex Offender Database, the non-public school shall notify the applicant as to whether or not the applicant has been identified in the Sex Offender Database as a sex offender. Any information concerning the records of conviction obtained by the non-public school's president or principal under this Section for a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school may be shared with another non-public school's principal or president to which the applicant seeks employment. Any person who releases any criminal history record information concerning an applicant for employment is guilty of a Class A misdemeanor and may be subject to prosecution under federal law, unless the release of such information is authorized by this Section.

No non-public school may obtain recognition status that knowingly employs a person, hired after July 1, 2007, for whom a Department of State Police and Federal Bureau of Investigation fingerprint-based criminal history records check and a Statewide Sex Offender Database check has not been initiated or who has been convicted of any offense enumerated in Section 21B-80 of this Code or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of those offenses. No non-public school may obtain recognition status under this Section that knowingly employs a person who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

In order to obtain recognition status under this Section, a non-public school must require compliance with the provisions of this subsection (c-5) from all employees of persons or firms holding contracts with the school, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct, daily contact with pupils. Any information concerning the records of

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conviction or identification as a sex offender of any such employee obtained by the non-public school principal or president must be promptly reported to the school's governing body.

(d) Public purposes. The provisions of this Section are in the public interest, for the public benefit, and serve secular public purposes.

(e) Definition. For purposes of this Section, a non-public school means any non-profit, non-home-based, and non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of this Code. (Source: P.A. 96-431, eff. 8-13-09; 97-607, eff. 8-26-11.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Bennett, **Senate Bill No. 1698** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:37 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 12:38 o'clock p.m., the Senate resumed consideration of business.
Senator Link, presiding.

Senator Sullivan asked and obtained unanimous consent for the purpose of a Democrat Caucus immediately upon adjournment.

At the hour of 12:42 o'clock, p.m., Senator Lightford, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 5, 2015 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Environment and Conservation: **Senate Resolution No. 184.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 5, 2015 meeting, reported the following Senate Bills have been assigned to the indicated Standing Committees of the Senate:

Environment and Conservation: **Senate Bill No. 734.**

Executive: **Senate Bills Numbered 868, 1566 and 1611.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 5, 2015 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Public Health: **Committee Amendment No. 1 to Senate Bill 10.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 5, 2015 meeting, reported that the Committee recommends that **Senate Bill No. 1351** be re-referred from the Committee on Executive to the Committee on Transportation.

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Senator Clayborne, Chairperson of the Committee on Assignments, during its March 5, 2015 meeting, reported that the Committee recommends that **Senate Bill No. 1617** be re-referred from the Committee on Executive to the Committee on Assignments.

LEGISLATIVE MEASURES FILED

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Floor Amendment No. 1 to Senate Bill 689

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

- Committee Amendment No. 1 to Senate Bill 681
- Committee Amendment No. 1 to Senate Bill 740
- Committee Amendment No. 1 to Senate Bill 742
- Committee Amendment No. 1 to Senate Bill 780
- Committee Amendment No. 1 to Senate Bill 792
- Committee Amendment No. 1 to Senate Bill 863
- Committee Amendment No. 1 to Senate Bill 1265
- Committee Amendment No. 1 to Senate Bill 1484
- Committee Amendment No. 1 to Senate Bill 1564
- Committee Amendment No. 1 to Senate Bill 1585

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 162

Offered by Senator Manar and all Senators:
Mourns the death of Roy Isaiah Williams, Sr., of Springfield.

SENATE RESOLUTION NO. 163

Offered by Senator McGuire and all Senators
Mourns the death of Gerald R. "Jerry" Herbst of Joliet.

SENATE RESOLUTION NO. 164

Offered by Senator McGuire and all Senators
Mourns the death of Clara J. Liker.

SENATE RESOLUTION NO. 165

Offered by Senator McGuire and all Senators
Mourns the death of Susan L. Waxweiler of Lockport.

SENATE RESOLUTION NO. 166

Offered by Senator McGuire and all Senators
Mourns the death of William Carl Limacher, D.D.S., of Joliet.

SENATE RESOLUTION NO. 167

Offered by Senator McGuire and all Senators
Mourns the death of Dorothy L. Mavrigh of Joliet.

SENATE RESOLUTION NO. 168

Offered by Senators Stadelman - Syverson and all Senators:
Mourns the death of Donald J. "Donnie" Gasparini of Rockford.

SENATE RESOLUTION NO. 169

Offered by Senator Link and all Senators:

Mourns the death of Louis C. Dineff.

SENATE RESOLUTION NO. 170

Offered by Senator Muñoz and all Senators:
Mourns the death of Soledad “Shirley” Velasquez.

SENATE RESOLUTION NO. 171

Offered by Senator Koehler and all Senators:
Mourns the death of John P. Gardner, Sr., of East Peoria.

SENATE RESOLUTION NO. 172

Offered by Senator McGuire and all Senators
Mourns the death of Alfrieda M. “Fef” Kuhajda.

SENATE RESOLUTION NO. 173

Offered by Senator McGuire and all Senators
Mourns the death of Jack L. Ostrem of Joliet.

SENATE RESOLUTION NO. 174

Offered by Senator Link and all Senators:
Mourns the death of Ann (nee Marfia) Daluga of Vernon Hills

SENATE RESOLUTION NO. 177

Offered by Senator Link and all Senators:
Mourns the death of Alfred William Wilson, Jr., of North Chicago.

SENATE RESOLUTION NO. 178

Offered by Senator Van Pelt and all Senators:
Mourns the death of Levada Johns of Chicago.

SENATE RESOLUTION NO. 179

Offered by Senator Link and all Senators:
Mourns the death of Dorothy A. (nee Hammel) Yellen.

SENATE RESOLUTION NO. 180

Offered by Senator McGuire and all Senators
Mourns the death of Ronald F. Cresto of Bookfield.

SENATE RESOLUTION NO. 181

Offered by Senator McGuire and all Senators:
Mourns the death of Clariann Woolard of Joliet.

SENATE RESOLUTION NO. 182

Offered by Senator McGuire and all Senators
Mourns the death of Barbara O. Parks.

SENATE RESOLUTION NO. 183

Offered by Senator McGuire and all Senators
Mourns the death of James Russell “Jim” Fay.

SENATE RESOLUTION NO. 185

Offered by Senator LaHood and all Senators:
Mourns the death of Dale E. Parsons of Galesburg.

SENATE RESOLUTION NO. 186

Offered by Senator Koehler and all Senators:
Mourns the death of Joanne “Della” Fought of Peoria.

SENATE RESOLUTION NO. 187

Offered by Senator Link and all Senators:
Mourns the death of Archie C. Senter.

SENATE RESOLUTION NO. 188

Offered by Senator Link and all Senators:
Mourns the death of Glen Lenzi of Gurnee.

SENATE RESOLUTION NO. 189

Offered by Senator Link and all Senators:
Mourns the death of Dianne S. Seymour.

SENATE RESOLUTION NO. 190

Offered by Senator Haine and all Senators:
Mourns the death of Karen (nee Campe) Mateyka of Edwardsville.

SENATE RESOLUTION NO. 191

Offered by Senator Duffy and all Senators:
Mourns the death of Duane J. Broomfield of Rockford.

SENATE RESOLUTION NO. 192

Offered by Senator Koehler and all Senators:
Mourns the death of Roger J. Seghetti of Peoria.

SENATE RESOLUTION NO. 193

Offered by Senator Hunter and all Senators:
Mourns the death of Chicago Alderman JoAnn Thompson.

SENATE RESOLUTION NO. 194

Offered by Senator Hunter and all Senators:
Mourns the death of Quinn Kyles of Chicago.

SENATE RESOLUTION NO. 195

Offered by Senator Connelly and all Senators:
Mourns the death of Blanche A. Hatch of Lisle.

SENATE RESOLUTION NO. 196

Offered by Senator Connelly and all Senators:
Mourns the death of Bruce A. Schurman of Wheaton.

SENATE RESOLUTION NO. 197

Offered by Senator Barickman and all Senators:
Mourns the death of former Pontiac Police Chief William Carter.

SENATE RESOLUTION NO. 199

Offered by Senator Haine and all Senators:
Mourns the death of Ned H. Wuellner of Brighton.

SENATE RESOLUTION NO. 200

Offered by Senator Nybo and all Senators:
Mourns the death of Earl A. Cummings of Clarendon Hills.

SENATE RESOLUTION NO. 201

Offered by Senator Link and all Senators:
Mourns the death of LeRoy Daniel Herchenbach.

SENATE RESOLUTION NO. 202

Offered by Senator McGuire and all Senators:
Mourns the death of Richard J. "Zeke" Russ.

SENATE RESOLUTION NO. 203

Offered by Senator Haine and all Senators:
Mourns the death of Bob Moore of Alton.

SENATE RESOLUTION NO. 204

Offered by Senator Muñoz and all Senators:
Mourns the death of Jesus Talavera, Jr., of Chicago.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Mapes, 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. 46

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, March 05, 2015, the House of Representatives stands adjourned until Tuesday, March 10, 2015 at 12:00 o'clock noon, or until the call of the Speaker and the Senate stands adjourned until Tuesday, March 10, 2015, or until the call of President.

Adopted by the House, March 3, 2015.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Link, the foregoing message reporting House Joint Resolution No. 46 was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 12:50 o'clock p.m., pursuant to **House Joint Resolution No. 46**, the Chair announced the Senate stand adjourned until Tuesday, March 10, 2015, at 12:00 o'clock noon, or until the call of the President.