

JOURNAL OF THE SENATE [October 6, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

TUESDAY, October 6, 1981.

10:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Paul A. Kehle, pastor of Plymouth Congregational Church, Madison.

The senate remained standing and Senator Cullen led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 604

Relating to revising the schedules of controlled substances.

By Senators Kleczka, Goyke and Chilsen; cosponsored by Representatives Ulichny, Andrea and Prosser, by request of The Controlled Substance Board.

To committee on Judiciary and Consumer Affairs.

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Senate Bill 605

Relating to regulating hospital rates, modifying the appeals process in certificate of need law, granting rule-making authority and providing a penalty.

By Senator Adelman; cosponsored by Representatives Wagner and Becker.

To committee on Judiciary and Consumer Affairs.

Senate Bill 606

Relating to restricting arrests for nonmoving traffic violations and creating a penalty.

By Senators Engeleiter, McCallum, Hanaway, Krueel, Offner, Lorman, Van Sistine and Chilsen; cosponsored by Representatives Plewa, Alberts, Schmidt, Panzer, Knox, Ladwig, Radtke and Tuczynski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 607

Relating to transfer, use and possession of firearms and providing penalties.

By Senators Braun, Cullen and George; cosponsored by Representatives Becker and Neubauer.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The joint committee on Employment Relations reports and recommends for introduction:

Senate Bill 608

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association for the 1981-83 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Bablitch, Kleczka and Chilsen, Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 609

An act to ratify the agreement negotiated between the state of Wisconsin and the United Professionals for Quality Health Care, Local 1199, AFL-CIO, for the 1981-83 biennium, covering employes in the professional patient care collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Bablitch, Kleczka and Chilsen,
Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 610

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Federation of Teachers, Local 3271 for the 1981-83 biennium, covering employes in the professional education collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Bablitch, Kleczka and Chilsen,
Representatives Jackamonis, Loftus and Norquist;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

FRED A. RISSER

Co-Chair

ED JACKAMONIS

Co-Chair

The committee on Aging, Business and Financial Institutions and Transportation reports and recommends for introduction:

Senate Bill 611

Relating to the net proceeds tax on mining of metallic minerals, the membership of the investment and local impact fund board and the environmental effects of mining, making appropriations, granting rule-making authority and providing a penalty.

Introduction:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Read first time and referred to Joint Survey Committee on Tax Exemptions.

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By request of Senator Lasee, with unanimous consent, the Senate recessed until 10:36 A.M.

10:12 A.M.

RECESS

10:36 A.M.

The senate reconvened.

and recommends:

Senate Joint Resolution 30

Relating to directing the legislative council to study the investment policies of the state of Wisconsin investment board and the desirability of adopting alternative investment objectives.

Introduction and adoption of senate amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

Adoption as amended:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

Senate Bill 174

Relating to the weight per axle or axles of a vehicle equipped with a selfcompactor and transporting garbage or refuse.

Introduction and adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

Senate Bill 373

Relating to emergency rules to allow farm vehicles to exceed weight limitations and granting rule-making authority.

Introduction and adoption of senate amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

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Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Senate Bill 492

Relating to permitting trading stamps to be redeemed for cash or merchandise.

Passage:

Ayes, 5 -- Senators Roshell, Moody, Goyke, Engeleiter and
Cullen;

Noes, 2 -- Senators Maurer and Bidwell.

Senate Bill 558

Relating to interest rate ceilings, prepayment of loans and finance charges.

Introduction of senate substitute amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 6 -- Senators Roshell, Moody, Goyke, Maurer,
Engeleiter and Cullen;

Noes, 1 -- Senator Bidwell.

Passage as amended:

Ayes, 6 -- Senators Roshell, Moody, Goyke, Maurer,
Engeleiter and Cullen;

Noes, 1 -- Senator Bidwell.

Assembly Joint Resolution 8

Directing the legislative council to study the problem of battery to the elderly and to report recommended solutions to the legislature.

Introduction and adoption of senate amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Assembly Joint Resolution 61

Relating to the increase in sign vandalism on Wisconsin roads and streets.

Introduction and adoption of senate amendment 1:

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Ayes, 6 -- Senators Roshell, Moody, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 1 -- Senator Maurer.

Concurrence as amended:

Ayes, 6 -- Senators Roshell, Moody, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 1 -- Senator Maurer.

Assembly Bill 270

Relating to warning lights on emergency vehicles and providing a penalty.

Concurrence:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

TIM CULLEN
Chair

The committee on Insurance and Utilities reports and recommends:

Senate Bill 520

Relating to modifications of the standard nonforfeiture and valuation requirements for life insurance and annuity contracts and granting rule-making authority.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

KURT A. FRANK
Chair

The joint committee on Finance reports and recommends:

Senate Bill 70

Relating to payment of contractors under public works contracts.

Adoption of senate substitute amendment 1:

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz and Wood;

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Noes, 0 -- None.

Passage as amended:

Ayes, 10 -- Senators Kleczka, Maurer, Offner, Roshell and McCallum, Representatives Otte, Roberts, Kirby, Metz and Wood;

Noes, 2 -- Senator Braun, Representative Norquist.

Senate Bill 216

Relating to reports to law enforcement officials concerning certain injuries and providing a penalty.

Passage:

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz and Wood;

Noes, 0 -- None.

GERALD D. KLECKA
Senate Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

September 30, 1981

To the Honorable, the Senate:

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

Yours very truly,
VEL PHILLIPS
Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number.

Steinke, M.L., 13 Odana Ct., P.O. Box 4364, Madison, WI 53711 (608) 273-2900; Wisconsin Farm Equipment Association, Inc., 13 Odana Ct., P.O. Box 4364, Madison, WI 53711 (608) 273-2900; 1, 2, 14, 22; 109, 113, 136, 184.

Willborn, T.L., 13 Odana Ct., P.O. Box 4364, Madison, WI 53711 (608) 273-2900; Wisconsin Farm Equipment Association, Inc., 13 Odana Ct., P.O. Box 4364, Madison, WI 53711 (608) 273-2900; 1, 2, 14, 22; 109, 113, 136, 184.

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Termination:

Thurmaier, Kurt M., 1926 Center St., Stevens Point, WI 54481
(for Wisconsin Physical Therapy Assn., Inc.) effective September
30, 1981.

State of Wisconsin
Office of the Commissioner of Credit Unions

October 1, 1981

To the Honorable the Senate:

The 1979-81 Biennial Report of the Office of the Commissioner of Credit Unions is presented to you in accordance with the requirements of Section 15.04(4) of the Wisconsin Statutes.

The annual growth of assets and membership of Wisconsin credit unions continues at a substantial rate. Wisconsin credit unions now have assets approaching \$1.7 billion. Over one million Wisconsin citizens belong to credit unions.

The financial condition of the Wisconsin credit union industry remains strong. Despite the current economic conditions and interest rates at historic highs, the liquidity of Wisconsin credit unions remains ample. The net worth reserves of Wisconsin credit unions continue to grow in proportion to total assets. Other statistical indicators considered important in the supervision of Wisconsin credit unions remain favorable.

It will continue to be the policy of the Office of the Commissioner of Credit Unions to diligently carry out its supervisory responsibility while maintaining a sympathetic and responsive attitude to the needs of Wisconsin credit unions.

Sincerely,
RICHARD OTTOW
Acting Commissioner of
Credit Unions

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

September 30, 1981

To the Honorable, the Senate:

This is to inform you that, as required by Section 230.33(3) of the Wisconsin State Statutes, I am adjusting the designated salary of my appointment to the Labor and Industry Review Commission, David Pearson.

Please review the attached letter for further details.

Sincerely,
LEE SHERMAN DREYFUS
Governor

CALENDAR OF OCTOBER 6

By request of Senator Flynn, with unanimous consent, the appointments were considered enmasse.

JESINSKI, JAMES, of Hales Corner, as a member of the University of Wisconsin System Board of Regents, to succeed Ray Majerus, to serve for the term ending July 1, 1985.

Read.

PEARSON, DAVID A., of McFarland, as a member of the Labor and Industry Review Commission to succeed John Hayon whose term expired on March 1, 1981, to serve a six year term to expire on March 1, 1987.

Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-74

AN ORDER to amend Ag 10.01 (23), relating to a definition of the term 'official vaccinate' as it pertains to brucellosis vaccination of female bovine animals.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, October 2, 1981.

Referred to committee on Agriculture and Natural Resources, October 6, 1981.

Clearinghouse Rule 81-104

AN ORDER to repeal UWS 8.02 (1) (i) and (j) and 8.03 (1) (e), (f) and (h); to renumber UWS 8.02 (1) (a), (b), (c) and (h); to renumber and amend UWS 8.01, 8.02 (1) (d) to (g), 8.03 (1) (a) to (d) and (g) and 8.04 (intro.); to amend UWS 8.05 and 8.06; and to create UWS 8.02 (2), (3), (6), (7), (10), (11), (12) and (15), 8.03 (intro.), (1) (a) and (b), (5), (7) and (8), 8.035 and 8.04 (1), (2) and (3), relating to a code of ethics for unclassified staff in the UW system.

Submitted by University of Wisconsin System.

Report received from agency, October 1, 1981.

Referred to committee on Judiciary and Consumer Affairs, October 6, 1981.

Clearinghouse Rule 81-148

AN ORDER to amend Ag 10.02 (1) (intro.), 10.02 (2) (a), 10.15 (1) (intro.), (b), (c) and (d) and 10.26 (3) (intro.); and to create Ag 10.02 (1) (h), relating to brucellosis vaccination requirements for cattle and American bison imported into Wisconsin.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, October 2, 1981.

Referred to committee on Agriculture and Natural Resources, October 6, 1981.

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State of Wisconsin
Revisor of Statutes Bureau
Madison, Wisconsin

October 1, 1981

Donald J. Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Schneider:

The following rules have been published and are effective:

Clearinghouse Rule 81- 11 effective September 1, 1981.

Clearinghouse Rule 79- 26 effective October 1, 1981.

Clearinghouse Rule 79- 44 effective October 1, 1981.

Clearinghouse Rule 80-126 effective October 1, 1981.

Clearinghouse Rule 80-173 effective October 1, 1981.

Clearinghouse Rule 80-208 effective October 1, 1981.

Clearinghouse Rule 81- 1 effective October 1, 1981.

Clearinghouse Rule 81- 4 effective October 1, 1981.

Clearinghouse Rule 81- 15 effective October 1, 1981.

Clearinghouse Rule 81- 45 effective October 1, 1981.

Clearinghouse Rule 81- 49 effective October 1, 1981.

Clearinghouse Rule 81- 50 effective October 1, 1981.

Clearinghouse Rule 81- 64 effective October 1, 1981.

Clearinghouse Rule 81- 95 effective October 1, 1981.

Clearinghouse Rule 81-103 effective October 1, 1981.

Ins 6.61 (5)

Ins 6.57 (1), (3), 6.58 (6)

and 6.63 effective January 1, 1982.

Clearinghouse Rule 81-122 effective October 1, 1981.

Sincerely,

GARY L. POULSON

Assistant Revisor

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 333
Assembly Bill 338
Assembly Bill 346
Assembly Bill 348
Assembly Bill 394
Assembly Bill 398
Assembly Bill 489
Assembly Bill 654
Assembly Bill 703

Adopted and asks concurrence in:
Assembly Joint Resolution 72

Concurred in:
Senate Joint Resolution 26
Senate Joint Resolution 37
Senate Bill 124
Senate Bill 268
Senate Bill 368

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 333

Relating to choosing a jury from another county.

By Representatives Jackamonis, Crawford, Behnke, Knox, Wagner, Barry, Schmidt, Kincaid, Hopkins, Metz, Plous, Neubauer, D. Travis, Dilweg, R. Travis, Robertson, Shabaz and Otte, co-sponsored by Senators Risser, Berger, Braun and Hanaway.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 338

Relating to revision of the membership of the emergency number systems board.

By Representatives Barczak, Broydrick and Lee, by request of Milwaukee County.

Read first time and referred to committee on State and Local Affairs and Taxation.

Assembly Bill 346

Relating to the number of signatures required on nomination papers for party committeeman or committeewoman.

By Representatives Gerlach, Crawford, Norquist and Kunicki, co-sponsored by Senators Frank, Braun and Moody.

Read first time and referred to committee on State and Local Affairs and Taxation.

Assembly Bill 348

Relating to requiring family court commissioners to preside over hearings in certain divorce actions.

By Representative Hauke.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 394

Relating to construction of boathouses on navigable waters.

By Representatives Donoghue, Conradt, Byers and Porter, co-sponsored by Senator Krueger.

Read first time and referred to committee on Agriculture and Natural Resources.

Assembly Bill 398

Relating to witnesses and victims and providing penalties.

By Representatives Rutkowski, Ulichny, Plewa, Crawford, Czarnecki, Prosser, McEwen and Tesmer, co-sponsored by Senators Adelman, Risser and Berger.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 489

Relating to regulation of medicare supplement policies, required disclosures to prospective life and disability insurance buyers and granting rule-making authority.

By Representatives Munts, Potter and Thompson, by request of Commissioner of Insurance.

Read first time and referred to committee on Insurance and Utilities.

Assembly Bill 654

Relating to the definition of 'inland trout waters'.

By Representatives Swoboda, Kincaid, Vanderperren, Fischer and Holschbach.

Read first time and referred to committee on Agriculture and Natural Resources.

Assembly Bill 703

Relating to required coverage of insulin infusion pumps under disability insurance policies.

By Representatives Behnke, Munts, Coggs, Andrea, McEssy, Duren, Hephner, Jaronitzky, Medinger, Hauke, Czarnezki, Dorff, Tuczynski, Shoemaker, Bradley, Kirby, Wagner, Vanderperren, Kincaid, Panzer, Goodrich, Otte, Williams, Hasenohrl, Crawford, Becker, Byers, Paulson, Norquist, Neubauer, Plous, Flintrop, Schneider, Donoghue, Roberts, Miller, Smith, Kunicki, Robinson, Schmidt, Clarenbach, Conradt, Helbach, D. Travis, Lewison, Porter, Loftus, Leopold, Matty, Ulichny, Wood and Barczak, co-sponsored by Senators Berger, Krueger, George, Thompson, Braun, Moody, Chilsen, Adelman, Flynn and Cullen.

Read first time and referred to committee on Insurance and Utilities.

Assembly Joint Resolution 72

Relating to legislative support for Wisconsin Export Week.

By Representatives Thompson, Loftus, Shabaz, Jackamonis, Hopkins and DeLong.

Read and referred to committee on Aging, Business and Financial Institutions and Transportation.

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Senate Bill 93

Relating to mandatory coverage by disability insurance policies.
Read.

The question was: Concurrence in assembly amendment 1?
Concurred in.

Senate Joint Resolution 36

Relating to directing the legislative council to study the Wisconsin compensation rating bureau.
Read.

Senate amendment 1 offered by Senator Bablitch.

The question was: Adoption of senate amendment 1?
Adopted.

The question was: Shall the joint resolution be adopted?
Adopted.

Senate Bill 85

Relating to direct appeal to the supreme court of public service commission rate decisions.

Read a second time.

By request of Senator Kleczka, with unanimous consent, the bill was referred to joint committee on Finance.

Senate Bill 238

Relating to publication of general orders of agencies and certain decisions of the department of transportation.

Read a second time.

By request of Senator Kleczka, with unanimous consent, the bill was referred to joint committee on Finance.

Senate Bill 250

Relating to access to public records, creating an open records board, granting rule-making authority, making appropriations and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

Senate amendment 1 to senate amendment 2 to senate substitute amendment 1 offered by Senator Berger.

The question was: Adoption of senate amendment 1 to senate amendment 2 to senate substitute amendment 1?

Senator Adelman raised the point of order that senate amendment 2 to senate substitute amendment 1 was not germane.

The chair took the point of order under advisement.

Senate Bill 332

Relating to the right of an employe to copy personnel records and creating a penalty.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 332

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- Senator Opitz -- 1.

Absent or not voting -- None.

So the bill passed.

Senate Bill 351

Relating to Brule river protection, granting rule-making authority and creating a penalty.

Read a second time.

By request of Senator Harnisch, with unanimous consent, the bill was referred to committee on Agriculture and Natural Resources.

Senate Bill 401

Relating to prohibiting rate increases for personal motor vehicle liability insurance policies due to accidents or traffic violations occurring during operation of a motor vehicle.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 401** was placed after **Senate Bill 567**.

Senate Bill 450

Relating to increasing the application period of, and providing for the extension of, emergency rules.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 450

Read a third time and passed.

Senate Bill 470

Relating to review and automatic termination of state executive branch agencies and administrative rules and making an appropriation.

Read a second time.

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By request of Senator Kleczka, with unanimous consent, the bill was referred to joint committee on Finance.

Senate Bill 496

Relating to prohibiting rate increases for motor vehicle liability insurance policies due to accidents or traffic violations occurring during fire fighting or emergency medical operations.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 496

Read a third time and passed.

Senate Bill 522

Relating to adoption of administrative rules on expenditures, purchasing and printing.

Read a second time.

By request of Senator Kleczka, with unanimous consent, the bill was referred to joint committee on Finance.

Senate Bill 528

Relating to changes to the mandatory health insurance risk sharing plan and granting rule-making authority.

Read a second time.

Senate amendment 1 offered by Senators Hanaway and McCallum.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 528

Read a third time and passed.

Senate Bill 529

Relating to prohibiting rate increases for personal motor vehicle liability insurance policies due to accidents or traffic violations occurring during snow removal operations.

Read a second time.

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The question was: Adoption of senate amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 529

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- Senator Opitz -- 1.

Absent or not voting -- None.

So the bill passed.

Senate Bill 539

Relating to prohibiting the department of industry, labor and human relations from promulgating certain rules on fair housing.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 539

Read a third time and passed.

Senate Bill 567

Relating to various changes in the unemployment compensation law and making an appropriation.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 567** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 567** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 567

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 401

Relating to prohibiting rate increases for personal motor vehicle liability insurance policies due to accidents or traffic violations occurring during operation of a motor vehicle.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Adopted.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 401** was placed after **Assembly Bill 341**.

Assembly Bill 28

Relating to school board elections in a common or union high school district.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 28

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lorman, Maurer,

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Moody, Offner, Opitz, Risser, Roshell, Strohl, Thompson and Van Sistine -- 28.

Noes -- Senators Krueger, Lasee, Lorge, McCallum and Theno -- 5.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 198

Relating to prohibiting the use of a driver's license as security and providing a penalty.

Read a second time.

Senate amendment 1 offered by Senator Chilsen.

The question was: Adoption of senate amendment 1?

Senator Harnisch moved that the bill be referred to committee on Aging, Business and Financial Institutions and Transportation.

The question was: Shall the bill be referred to committee on Aging, Business and Financial Institutions and Transportation?

The motion prevailed.

By request of Senator Bablitch, with unanimous consent, the senate stood for a moment of silence upon hearing of the assassination of the President of Egypt, Anwar Sadat.

Assembly Bill 341

Relating to imposition of consecutive sentences.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 341

Read a third time and concurred in.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:00 P.M.

11:58 A.M.

RECESS

2:00 P.M.

The senate reconvened.

Senate Bill 401

Relating to prohibiting rate increases for personal motor vehicle liability insurance policies due to accidents or traffic violations occurring during operation of a motor vehicle.

Read.

Senate amendment 3 offered by Senator Chilsen.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 401** was placed after **Senate Bill 250**.

Senate Bill 250

Relating to access to public records, creating an open records board, granting rule-making authority, making appropriations and providing a penalty.

Read.

RULING OF THE CHAIR

Earlier today, Senator Adelman raised the point of order that senate amendment 2 to senate substitute amendment 1 to **Senate Bill 250** was not germane.

The bill relates generally to access to public records. Senate amendment 2, while dealing primarily with records of a certain type (those retrievable by use of an individuals name or other identifying characteristic), is also generally related to public records access.

The amendment relates to maintenance of records: what records may be maintained, how access to records may be gained, and how challenges to the accuracy of records may be made.

In regulating the maintenance of records, it also affects access to them.

A similar amendment was adopted by this body last session to an almost identical bill. A point of order was not raised at that time. It is the opinion of the chair that the question of germaneness is a close one. Therefore, the chair will rule the amendment germane and the point of order not well taken. The body may reject the amendment and have the same effect of ruling it out of order.

The question was: Adoption of senate amendment 1 to senate amendment 2 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

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Senator Adelman moved rejection of senate amendment 2 to senate substitute amendment 1?

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Cullen, Flynn, Frank, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Lasee, McCallum, Maurer, Moody, Offner, Risser, Strohl and Van Sistine -- 18.

Noes -- Senators Berger, Bidwell, Braun, Chilsen, Engeleiter, George, Goyke, Harsdorf, Kreul, Lorge, Lorman, Opitz, Roshell, Theno and Thompson -- 15.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Adopted.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Lasee.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

Senator Adelman moved rejection of senate amendment 4 to senate substitute amendment 1.

The question was: Rejection of senate amendment 4 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Cullen, Flynn, Frank, Goyke, Kleczka, Maurer, Moody, Offner, Strohl and Thompson -- 13.

Noes -- Senators Berger, Bidwell, Chilsen, Engeleiter, George, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz, Risser, Roshell, Theno and Van Sistine -- 20.

Absent or not voting -- None.

So the motion did not prevail.

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The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Goyke, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz, Theno and Van Sistine -- 16.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Hanaway, Kleczka, Maurer, Moody, Offner, Risser, Roshell, Strohl and Thompson -- 17.

Absent or not voting -- None.

So the amendment was not adopted.

Senate amendment 5 to senate substitute amendment 1 offered by Senators Hanaway and Chilsen.

The question was: Adoption of senate amendment 5 to senate substitute amendment 1?

Adopted.

Senate amendment 6 to senate substitute amendment 1 offered by Senators Hanaway and Chilsen.

The question was: Adoption of senate amendment 6 to senate substitute amendment 1?

By request of Senator Hanaway, with unanimous consent, senate amendment 6 to senate substitute amendment 1 was returned to the author.

The question was: Adoption of senate substitute amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 250

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Lorman, McCallum, Maurer, Moody,

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Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators Bidwell, Chilsen, Kreul, Krueger, Lasee, Lorge and Opitz -- 7.

Absent or not voting -- None.

So the bill passed.

Senate Bill 401

Relating to prohibiting rate increases for personal motor vehicle liability insurance policies due to accidents or traffic violations occurring during operation of a motor vehicle.

Read.

The question was: Adoption of senate amendment 3?

Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 401

Read a third time and passed.

MOTIONS

By request of Senator Goyke, with unanimous consent, **Senate Bill 601** was returned to the author.

By request of Senator Offner, with unanimous consent, **Senate Bill 458** was returned to the author.

By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 288** by Senator Goyke.

Senate substitute amendment 1 to **Senate Bill 302** by Senator Goyke.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 558** by Senator Bidwell.

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Upon motion of Senator Bablitch the senate adjourned until 9:00
A.M. Wednesday, October 7.

3:15 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Joint Resolution 61

1. Page 2, line 18: substitute "anti-sign" for "antisign".
2. Page 2, line 20: substitute "Anti-sign" for "Antisign".

Assembly Bill 348

1. Page 2, line 3: substitute "commissioner" for "commission".